

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3155 of 2019**

Arising Out of PS. Case No.-166 Year-2018 Thana- KUNDWACHAINPUR District- East
Champaran

=====

Rahul Jha Son of Devendra Jha Resident of Village - Amwa Tola, P.S.-
Kundwachainpur, Dist.- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mrs. Usha Kumari 1

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 05-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 02.05.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, SC/ST (PoA) Act, East Champaran, at
Motihari in Kundwachainpur P.S. Case No. 166 of 2018
registered under Sections 341, 385, 504, 506 of the Indian Penal
Code and Section 3(1)(r)(s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have slated the informant in the
name of his caste and demanded extortion of Rs. 1 lac arriving



at his door.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, the appellant has given Rs. 4 lacs to the informant to execute the land in his favour but neither the informant execute the land in his favour nor returned the money, and on demand, he has filed this false and frivolous case against him. There is inordinate and abnormal delay of around 19 days in lodging the FIR without assigning any plausible explanation for the same which creates serious doubt about the prosecution case. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST (PoA) Act, East Champaran, at Motihari in connection with Kundwachainpur P.S. Case No. 166 of 2018, subject to the condition as laid down under Section 438



(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and
appeal is allowed.

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

