

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3452 of 2019

Arising Out of PS. Case No.-15 Year-2016 Thana- SC/ST District- Patna

1. Babli Kumari W/o Subodh Kumar Resident of Village - Pachrukhiya, Ward No.4, P.S.- Khusrupur, Dist.- Patna.
2. Jitendra Kumar Son of Mantu Prasad Resident of Village - Choti Nawada, Ward No.2, Nawada, P.S.- Khusrupur, Dist.- Patna.
3. Manoj Kumar Son of Ramanand Sah Resident of Village - Sukarbeg Chowk, Ward no.10, Nawada, P.S.- Khusrupur, Dist.- Patna.
4. Dharmendra Kumar Son of Kishor Singh Resident of Village - Chota Hasanpur, ward No.11, Nawada, P.S.- Khusrupur, Dist.- Patna.
5. Saroj Mandal Son of Ganesh Mahto Resident of Village - Hemjapur, Ward No.12, P.S.- Khusrupur, Dist.- Patna.
6. Kiran Devi W/o Pappu Singh Resident of Village - Sukarbeg Chowk, Ward no.9, P.S.- Khusrupur, Dist.- Patna.
7. Subodh Kumar Son of Yadu Nandan Singh Resident of Village - Pachrukhiya, P.S.- Khusrupur, Dist.- Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mritunjay Kumar Jha
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 08-11-2019 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 11.04.2019 passed by learned Additional Sessions Judge-VIII-cum Special Judge SC/ST Act, Patna in



connection with SC/ST P.S. Case No. 15 of 2016 registered under Sections 384, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) (m) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants always extend threatening and slat the informant in the name of her caste and demand extortion. On 05.09.2016 after the culmination of the meeting appellant no.7- Subodh Kumar slating her in the name of caste took with him some Ward Member.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have neither given threatening nor demanded any money nor slated the informant in the name of caste. Informant has not lodged the case regarding the aforesaid occurrence earlier. As a matter of fact, informant happens to be Mukhiya and the appellants are Ward Members, except appellant Subodh Kumar who is husband of appellant no.1 and they have raised voice against illegal conduct of the informant in carrying out the government scheme and due to this reason they have been falsely implicated in the case. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for



bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIII-cum Special Judge SC/ST Act, Patna in connection with SC/ST P.S. Case No. 15 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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