

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3233 of 2019

Arising Out of PS. Case No.-132 Year-2017 Thana- MUFFASIL District- West Champaran

1. Pinku Srivastava @ Prem Prakash Son of Late Awtar Prasad Resident of Village - Sarswati Nagar, Barwat Pasrain, P.S.- Bettiah Muffasil, Distt - West Champaran.
2. Pinku Thakur @ Yogesh Thakur Son of Shankar Thakur Resident of Village - Sarswati Nagar, Barwat Pasrain, P.S.- Bettiah Muffasil, Distt - West Champaran.
3. Dukhi Yadav Son of Bhagrashan Yadav Resident of Village - Sarswati Nagar, Barwat Pasrain, P.S.- Bettiah Muffasil, Distt - West Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 07-08-2019 Heard learned counsel for the appellants 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 04.07.2019 passed by learned 1st Addl. District & Sessions Judge cum Special Judge, SC/ST/ POCSO, Bettiah, West Champaran in Bettiah Muffasil P.S. Case No. 132 of 2017 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(1)(r), 3(2)(va) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

In course of regressing from Varanasi, seven motorcycle borne criminals including the appellants intercepted the informant and caught him hold giving him chase and assaulted him by means of fist and belt slating him and snatched Rs. 30,000/- and his other belongings. Appellant Pinku Srivastava is said to have been pressing his neck taking him to his house.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to land dispute. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained injury in the occurrence. Allegation of theft is super addition. There is no allegation of slating the informant in the name of his caste against the appellants. There is inordinate and abnormal delay of eight days in lodging the FIR without assigning plausible explanation for the same. After investigation of the case, I.O. has submitted final form against the appellants. Similarly situated co-accused, namely, Agalya Kumar @ Agyeya Kumar @ Murari Kumar has been enlarged on anticipatory bail by this Court vide order dated 30.07.2019



passed in Cr. Appeal (SJ) No. 3057 of 2019.

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

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. District & Sessions Judge cum Special Judge, SC/ST/ POCSO, Bettiah, West Champaran in connection with Bettiah Muffasil P.S. Case No. 132 of 2017, 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)

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