

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3503 of 2019

Arising Out of PS. Case No.-37 Year-2017 Thana- BAGHA District- West Champaran

1. Sunil Yadav Son of Hari Yadav Resident of Village - Nadda, P.S.- Bhairoganj, Dist.- West Champaran.
2. Rajmati Devi W/o Sharda Choudhary Resident of Village - Nadda, P.S.- Bhairoganj, Dist.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar..... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 01-10-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 11.07.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, West Champaran, Bettiah in connection with Bagaha Bhairoganj P.S. Case No. 37 of 2017, registered under Sections 147, 149, 323, 324, 385, 379, 504 of the Indian Penal Code and also under Section 3 (1) (r) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities).



Accused Sharda Choudhary and his sons were constructing hut on the passage of the informant and demanding extortion of Rs.5,00,000/- from her. On the date of occurrence accused Sharda Choudhary and his sons and appellant Sunil Yadav slated the informant in the name of her caste and assaulted her by means of lathi, danda, etc. On Hulla, when her son and other family members rushed in her rescue, others accused persons assaulted them and appellant Rajmati Devi snatched silver chain of informant.

It is submitted by the learned counsel for the appellants that appellants have no concern with the aforesaid occurrence. Appellant Sunil Yadav has been falsely implicated in this case mainly because he happens to be neighbour of the accused Sharda Choudhary. There is no allegation of demanding extortion and encroaching the passage of the informant by the said appellant. Allegation levelled against him is not specific rather general and omnibus in nature. Only allegation against the appellant No. 2 Rajmati Devi is of snatching the silver chain of informant, which is super-addition. There is inordinate delay of four days in lodging the F.I.R by the informant without assigning any plausible explanation for the same. Appellants have no criminal antecedent.



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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail in the event of their arrest or surrender before the learned Court below within a period of four weeks from today 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 1st Additional District & Sessions Judge-cum- Special Judge, West Champaran at Bettiah in connection with Bagaha Bhairoganj P.S. Case No. 37 of 2017, subject to 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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