

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3359 of 2019

Arising Out of PS. Case No.-90 Year-2019 Thana- CHARPOKHARI District- Bhojpur

BALESHWAR SINGH Son of Late Mundrika Singh Resident of Village-
Barani, P.S.- Charpokhari, District- Bhojpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Syed Mojibur Rahman
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

2 14-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 10.07.2019 passed by learned 1st Addl. Sessions Judge, Ara in Charpokhri P.S. Case No. 90 of 2019 registered under Sections 341, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s)/3(2)(v-a) of the SC/ST Act.

Son of the appellant namely Abhay Kumar is said to have demanded commission of 3% as extortion in carrying out the work under the MNREGA scheme by the informant who is the Mukhiya of Gram Panchayat Siyadih and on not coughing up his demand by the informant, appellant arriving at the office



of MNREGA slated her in filthy language and extended threatening to stop the work.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. He never demanded any extortion. The only allegation against the appellant is of slating the informant in filthy language arriving at the office of MNREGA, but there is no allegation of slating the informant in the specific name of her caste against the appellant. As a matter of fact, son of the appellant has made complain against irregularities and substandard material used by the informant in construction work on 03.04.2019 and being peeved with the same, informant has lodged this false and frivolous case against the appellant and his son. By filing Annexure-2 and certified copy of the protest petition, it is further submitted by the appellant that in the case under hand informant has claimed herself to be member of Scheduled Caste while in the protest petition filed in Udwanthnagar P.S. Case No. 92 of 2016 she has claimed herself to be member of EBC and Prakhanda Development Officer, Chhapokhari, Bhojpur has also reported about aforesaid anomalies in the caste of the informant to the Sub-Divisional Officer, Piro, Bhojpur vide Letter No. 850 dated



17.07.2019. Appellant has no criminal antecedent.

On the other hand, learned Spl.PP for the State and learned counsel for the informant opposed the prayer for bail.

Having regard to 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 the learned 1st Addl. Sessions Judge, Bhojpur at Ara in connection with Charpokhri P.S. Case No. 90 of 2019, 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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