

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3378 of 2019

Arising Out of PS. Case No.-156 Year-2018 Thana- MAJHAULIA District- West Champaran

1. SANT KUMAR @ VISHESH KUMAR Son of Banti Prasad Resident of Village- Karamwa, Tola Bharwalia, P.S.- Majhauliya, District- West Champaran
2. Chhotelal Kumar Son of Shambhu Prasad Resident of Village- Karamwa, Tola Bharwalia, P.S.- Majhauliya, District- West Champaran
3. Guddu Kumar Son of Sunil Prasad Resident of Village- Karamwa, Tola Bharwalia, P.S.- Majhauliya, District- West Champaran
4. Vikesh Kumar @ Vikash Kumar Son of Asharfi Prasad Resident of Village- Karamwa, Tola Bharwalia, P.S.- Majhauliya, District- West Champaran
5. Sunny Kumar @ Suny Kumar Son of Pramod Prasad Resident of Village- Karamwa, Tola Bharwalia, P.S.- Majhauliya, District- West Champaran
6. Nand Kishor Kumar Son of Puran Prasad Resident of Village- Karamwa, Tola Bharwalia, P.S.- Majhauliya, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Aditya Nath Jha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 19-08-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 02.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, West Champaran at Bettiah in Majhauliya P.S. Case No. 156 of 2018 registered under Sections 147, 149,



427, 353 and 387 of the Indian Penal Code and Section 3(2)(v-a) of the SC/ST Act.

During the course of inspection of the burnt articles of the school by the informant, appellants descended there on the motorcycle and slated the informant in the name of his caste and snatched his passbook and cash of Rs.10000/- and made his associate Shambhu Gupta captive and demanded extortion of Rs. 1 lac.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellant nos. 2 to 7 happen to be student of the school of which the informant is Headmaster. They had approached the informant to know about delay in according scholarship to them and being peeved with the same he has filed this false and frivolous case against the appellants and others. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of twenty six days in lodging the F.I.R. without assigning any convincing and plausible reason for the aforesaid delay and filing any document explaining the delay.

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



Having regard to 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 the learned 1st Addl. Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Majhauriya P.S. Case No. 156 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)

mantreshwar/-

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

