

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3655 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- CHAPRA TOWN District- Saran

1. AMIT KUMAR Son of Arun Prasad Gupta Resident of Village - Bichala Telpa, P.S.- Chapra Town, Dist.- Saran at Chapra.
2. Bishwajit Kumar @ Vishawajeet Kumar Son of Arun Prasad Gupta Resident of Village - Bichala Telpa, P.S.- Chapra Town, Dist.- Saran at Chapra.
3. Arun Prasad Gupta Son of Jamuna Prasad Gupta Resident of Village - Bichala Telpa, P.S.- Chapra Town, Dist.- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satya Prakash

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 02-09-2019 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 29.06.2019 passed by learned Special Judge, SC/ST (POA) Act, Saran at Chapra in Chapra Town P.S. Case No. 45 of 2019 registered under Sections 448, 384, 452, 427, 504 and 506/34 of the Indian Penal Code and Section 3(1)(r) of the SC/ST Act.

Five named accused persons including the appellants and five unknown miscreants armed with weapons are said to



have descended at the house of the informant and damaged the wall and window of his house and extended threatening to the informant and his family members slating him in the name of his caste and also demanded extortion.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. Appellants have been falsely implicated in the case merely because wife of appellant no.3 and father of appellant nos. 1 and 2 have filed Title Suit No. 67 of 2015 against the informant and others. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is inordinate and abnormal delay of eleven months in lodging the F.I.R. without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Though four cases have been lodged against the appellants, but all have been filed by the informant and appellants are on bail in aforesaid cases. Informant is in habit of filing the case against the appellants to harass them.

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 Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Chapra Town P.S. Case No. 45 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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