

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3813 of 2019**

Arising Out of PS. Case No.-1293 Year-2017 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. Sanjit Sanga @ Kanhaiya Kumar Badal @ Sanga Sanjeet Son of Late Bharat Singh @ Bharat Prasad Singh Resident of Village - Baijnathpur, P.S.- Sitamarhi, District- Nawada
 2. Sharwan Singh @ Shrawan Singh Son of Mosafir Singh Resident of Village - Baijnathpur, P.S.- Sitamarhi, District- Nawada
 3. Raj Kumar Son of Late Bharat Singh @ Bharat Prasad Singh Resident of Village - Baijnathpur, P.S.- Sitamarhi, District- Nawada
 4. Pradeep Sharma Son of Late Parphu Sharma Resident of Village - Lalu Nagar, P.S.- Sitamarhi, District- Nawada

... .. Appellant/s

Versus

1. The State Of Bihar
2. Majju Ravidas Son of Late Mahabir Das Resident of Lalu Nagar, Police Station- Sitamarhi, Distt- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shivendra Kumar Sinha
For the Respondent/s	:	Mr. Binay Krishna
For the Informant	:	Mr. Krishna Deo Raj

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

ORAL ORDER

3 26-09-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 29.07.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, Nawada in Complaint Case No. 1293
of 2017 registered under Sections 323, 504, 385 of the Indian



Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Complainant is the P.D.S. shop dealer. Appellant no. 1 Sanjit Sanga, who happens to be Mukhiya demanded Rs. 10,000/- per month as *rangdari* from the complainant, and on refusal, five named accused persons including the appellants in the night descended at the house of the complainant and making the door opened, appellant no. 1 pointed out pistol on the complainant and slating him in the name of his caste exhorted other accused persons to commit loot in the house. Whereupon other accused persons looted away cash and other household articles of the complainant. Then all the accused persons slating him in the name of his caste and assaulting him by means of lathi and danda made good their escape.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, appellant no. 1 had caught red handed son of the complainant in the course of committing black marketing on the P.D.S. shop and at the instance of the said appellant, police has lodged Narhat P.S. Case No. 213 of 2017 against the son of the complainant and due to aforesaid grudge, complainant has lodged this false and frivolous case



against the appellants and others with altogether wrong and concocted allegation after inordinate delay of three days. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Complainant has not sustained any injury in the occurrence. Salting the complainant is said to have been made inside his house and not in the public view, hence, no offence under SC/ST Act is made out against the appellants. Allegation of theft is super addition, hence, they may be enlarged on bail.

Per contra, learned Spl. PP for the State and learned counsel for the informant opposing the bail prayer of the appellants submitted that the appellant no. 1 has four criminal antecedent, hence, he does not deserve bail which is countered by the learned counsel for the appellants submitting that as the appellant no. 1 happens to be Mukhiya, he always raises voices against illegality and irregularity committed by unscrupulous persons, hence, he is falsely implicated in the case at the instance of the aforesaid persons and almost all the cases are under Section 353 of I.P.C.

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. Sessions Judge cum Special Judge, Nawada in Complaint Case No. 1293 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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