

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4014 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- PARSA District- Saran

1. DHARMNATH PRASAD RAI Son of Late Ramdeni Rai @ Ramden Rai Resident of Village - Parsauna, P.S.- Parsa, District- Saran
2. Jai Prakash Rai Son of Dharmnath Prasad Rai Resident of Village - Parsauna, P.S.- Parsa, District- Saran
3. Shankari Rai @ Shankar Rai Son of Dharmnath Prasad Rai Resident of Village - Parsauna, P.S.- Parsa, District- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Jha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 21-11-2019 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 14.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Saran in Parsa P.S. Case No. 71 of 2019 registered under Sections 323, 341, 342, 380, 384, 385, 427 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 10(i)(x) of the SC/ST Act.

Four named accused persons including the appellants and 10-12 unknown miscreants descended at the shop of the



informant armed with weapons and appellant Dharmnath Prasad demanded extortion of Rs. 2 lacs from the informant and his brother and on his refusal all the accused persons started assaulting him by means of lathi. When the informant called his brother, Sanjay Rai pointing pistol on his neck demanded extortion of Rs. 2 lacs more extending threatening of dire consequence. When brother and father of the informant rushed in his rescue, they also assaulted them and slated his brothers in the name of his caste on the road.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to land dispute. Appellant Dharmnath Yadav has purchased the property in question from the vendee of the uncle of the informant in the year 1998 and regarding aforesaid property, Partition Suit No. 187 of 2018 is pending between the appellant Dharmnath Prasad and the informant and others. A proceeding under Section 144 Cr.P.C. was also initiated regarding said property which was decided in favour of the said appellant. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained any injury in the occurrence. There is inordinate and abnormal delay of 1 month in filing the



complaint petition without assigning any plausible explanation for the aforesaid delay which creates serious doubt about the prosecution case. Appellant nos. 1 and 2 have no criminal antecedent while one more criminal case has been lodged against appellant no.3 in which he is on bail.

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, SC/ST Act, Saran in connection with Parsa P.S. Case No. 71 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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