

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4090 of 2019

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

Chuman Patel Son of Late Motilal Patel Resident of Village- Karamwa, Tola
Bharwalia, P.S.- Majhauriya, 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 : Mrs. Usha Kumari 1

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

ORAL ORDER

2 27-09-2019 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 18.07.2019 passed by learned 1st Addl. Sessions Judge
cum Special Judge, West Champaran at Bettiah in Majhauriya
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, co-accused Sant Kumar along with
six other named accused persons including the appellant



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 Sant Kumar demanded extortion of Rs. 1 lac.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, wife of the appellant is Member of the Management Committee of the school and some altercation took place between his wife and the informant on making complain by the students in making delay in according scholarship to them, and being peeved with the same, the informant has falsely implicated the appellant in the case. Allegation levelled against the appellant 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. Said Sant Kumar @ Vishesh Kumar and five other similarly situated co-accused persons have been enlarged on anticipatory bail by this Court vide order dated 19.08.2019 passed in Cr. Appeal (SJ) No. 3378 of 2019.

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 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 cum Special Judge, SC/ST, 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)

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