

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4114 of 2019**

Arising Out of PS. Case No.-24 Year-2019 Thana- SC/ST District- Muzaffarpur

1. Pappu Kumar Son of Rambali Sah Resident of Village- Neori, P.S.- Ahiyapur, District- Muzaffarpur.
2. Pawan Kumar Son of Rambali Sah Resident of Village-Neori, P.S.- Ahiyapur, District-Muzaffarpur.
3. Pandav Kumar Son of Rambali Sah Resident of Village-Neori, P.S.- Ahiyapur, District-Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nachiketa Jha
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 30-09-2019 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 08.08.2019 passed by learned Special Judge, SC/ST, Muzaffarpur in SC/ST P.S. Case No. 24 of 2019 registered under Sections 341, 323, 420, 406, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant was Manager of Pani Plant and Pandav



Mashala Udyog of one Rambali Sah. He also collected money of money lending business of said Rambali Sah on salary of Rs. 20,000/- but, he accorded him only Rs. 5000/- per month on assurance that rest money will be given to him on purchasing land along with interest @ 2% per annum. Thus, Rs. 2,25,000/- of fifteen months of the informant was due to the aforesaid Rambali Sah, and when he demanded his aforesaid money said Rambali Sah, appellants, who happens to be their sons and wife of Rambali Sah obtained his signature on three blank papers under coercion and gave him cheque of Rs. 50,000/- only, and on demand of rest of the money, they slated him in the name of his caste. They also extended threatening him on the mobile.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Allegation levelled against the appellants is not specific rather general and omnibus in nature. As a matter of fact, the informant was not worker of Rambali Sah rather he runs the business of incense stick under the name and style of Shivam Agarbatti and said Rambali Sah had given him cheque of Rs. 50,000/- in lieu of incense stick purchased from him and showing the aforesaid cheque, the informant has lodged this case against the said Rambali Sah and appellants with altogether wrong and



concocted allegations. There is inordinate delay of around one month in lodging the FIR without assigning any plausible explanation for the same, which creates serious doubt about the prosecution case.

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

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 Special Judge, SC/ST Act, Muzaffarpur in SC/ST P.S. Case No. 24 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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