

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4265 of 2019**

Arising Out of PS. Case No.-14 Year-2015 Thana- SC/ST District- Khagaria

RAMAKANT MANDAL Son of Birbal Mandal Resident of Village- Teliya
Bathan, P.S.- Pasraha, District- Khagaria.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bharat Bhushan
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 18-11-2019 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 28.08.2019 passed by learned 1st Addl. Sessions Judge,
Khagaria in Khagaria SC/ST P.S. Case No. 14 of 2015
registered under Sections 341 and 323 of the Indian Penal Code
and Section 3(I)(X) of the SC/ST Act.

Name of the wife of the informant and other
beneficiaries have been selected for the benefit under India
Awas Yojna and first installment of Rs.30,000/- was disbursed
to them whereupon appellant arriving at their house taken
Rs.7000/- each from them by way of graft in the name of



B.D.O. When the informant approached B.D.O. for release of second installment he called him at his office and in office he demanded Rs.5000/- as a graft and on refusal by the informant that he has already given Rs. 1000/- to Pankaj Das, Vikash Mitra, he slated him in the name of his caste and made him to leave the office extending threatening.

It is submitted by learned counsel for the appellant that appellant has no concern with the aforesaid occurrence. There is no allegation of slating the informant in the name of his caste against the appellant. Allegation of taking Rs.7000/- as a graft from the informant is falsified from his own statement as at one place he has stated that appellant has taken graft of Rs. 7000/- from him while at other place he has stated that he has given graft of Rs. 1000/- to one Pankaj Das, Vikas Mitra. There is no evidence of giving money by the wife of the informant to the appellant. No offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent.

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, Khagaria in connection with Khagaria SC/ST P.S. Case No. 14 of 2015, 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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