

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4527 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- SC/ST District- Nalanda

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PRAHALAD KUMAR Son of Rajo Prasad Resident of Village - Bishunpur,
P.S.- Ben, Distt.- Nalanda.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar No.1
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 18-10-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 19.09.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Nalanda at Bihar Sharif in connection with SC/ST P.S. Case No.7 of 2019 registered under Sections 341, 323, 379, 386, 504 & 506 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On withdrawal of Rs.50,000/- from the bank by



the informant, appellant and other named accused persons demanded Rs.25,000/- from her under threat of life to the informant and her husband. However, the informant accorded them Rs.5000/- but again they started demanding Rs.20,000/-, whereupon the informant made alarm. Responding the alarm villagers rushed there and saved the informant.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, the informant has taken Rs.20,000/- from the appellant and on demand of said money by him, she has lodged this false and frivolous case against the appellant to devour his aforesaid money. There is no evidence of giving money to the appellant by the informant. There is inordinate and abnormal delay of 27 days in filing the complaint petition by the complainant without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks



from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Nalanda at Bihar Sharif in connection with SC/ST P.S. Case No.7 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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