

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4523 of 2019

Arising Out of PS. Case No.-118 Year-2019 Thana- PATRAKARNAGAR District- Patna

Manish Kumar S/o Late Nand Kishor Prasad Resident of Sakin- Chandmari
Road Chutkalanand Gali, P.S.- Kankarbagh, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Prasad Singh
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 18-10-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 03.09.2019 passed by learned Addl. Sessions Judge-XX-cum-Special Judge, SC/ST Act, Patna in Patrakar Nagar P.S. Case No. 118 of 2019 registered under Sections 385, 379 of the Indian Penal Code and Section 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was sitting at his door, six named accused persons including the appellant and 7-8



unknown miscreants abruptly descended there. Co-accused Arvind Singh @ Mintu Singh slating him in the name of his caste pointing country made pistol on him demanded extortion of Rs. 10 lacs while Ranvir Singh snatched his golden chain and appellant snatched his cash of Rs. 10,000/-. They also assaulted him by means of lathi.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, there was some differences between the informant and the appellant in the course of running business business of property dealing and due to aforesaid reason, the informant has lodged this case with altogether wrong and concocted allegation. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. There is no allegation of slating the informant in specific name of his caste against the appellant and also there is no allegation of claiming extortion money against him. Allegation of theft is super addition. There is inordinate delay of five days in lodging the FIR without assigning any plausible explanation for the same.

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



In 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 learned Addl. Sessions Judge-XX-cum-Special Judge, SC/ST Act, Patna in Patrakar Nagar P.S. Case No. 118 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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