

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4652 of 2019

Arising Out of PS. Case No.-254 Year-2019 Thana- RIVILGANJ District- Saran

1. SANJEET KUMAR @ SANJEET KUMAR YADAV @ BHUWAR Son of Chhotan Rai @ Chhotelal Prasad Yadav Resident of Village-Pahiya Dhala, Biram Parsa, P.S.-Rivilganj, District-Saran at Chapra.
2. Chunmun Yadav @ Chhunu Rai Son of Kanhaiya Rai Resident of Village-Badapa, P.S-Rivilganj, District-Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anurag Saurav
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 25-10-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 27.09.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Saran in Rivilaganj P.S. Case No. 254 of 2019 registered under Sections 341, 354(A)(B)(D), 504, 506, 451, 452, 456, 458 and 341 of the Indian Penal Code and Sections 3(i)(x)(xi)(xii), 13(w)(ii), 3(2)(v)(a) of the SC/ST Act.

Appellants along with one other named accused used to tease the daughter of the informant in the course of going to school and pass gross comment on her and also extend



threatening of making indecent video viral. Resultantly she sent her daughter to Bangalore. Whereupon all the three accused persons used to extend threatening to her on mobile and on 19.08.2019 in the mid night arriving at her house they tried to misbehave with her. Appellant Sanjeet Kumar pointing pistol on his temple asked her to call back her daughter.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, daughter of the informant was in love with co-accused Dhanji Singh who is the neighbour of the informant and resultantly informant sent her daughter to Bangalore and as the appellants happen to be friend of said Dhanji Singh, she has falsely implicated the appellants in the case along with said Dhanji Singh. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is delay of 2 days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay. Appellants have been languishing in custody since 30.08.2019.

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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on



furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Saran in connection with Revilaganj P.S. Case No. 254 of 2019. However in case of carrying out such activity with the informant and her daughter in future and finding the same true, learned lower court shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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