

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4755 of 2019

Arising Out of PS. Case No.-507 Year-2018 Thana- JOGAPATTI District- West Champaran

RAMCHANDRA SHARMA Son of Jai Kishun Sharma Resident of Village -
Jirwari Tola Ward No. 04, P.S.- Yogapatti, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra

For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

2 14-11-2019 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 06.09.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST/POCSO, Bettiah, West Champaran in Nawalpur P.S. Case No. 507 of 2018 registered under Sections 341, 323, 504 of the Indian Penal Code and Section 3(i)(r)(ii)(v-a) of the SC/ST Act.

While the informant was sitting at his door, appellant abruptly descending there started slating and assaulting him by means of slipper and tore his shirt and took out Rs.12000/- from his pocket. He also slated him in the name of his caste before villagers dragging him on the road and demanded extortion.



It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, appellant happens to be ward member and informant is the husband of the Mukhiya of Gram Panchayat, Nawalpur. Appellant has raised voice against defalcation etc. made by the informant in executing different government schemes and on the complaint made by the appellant, show cause notice has been issued against the informant by the B.D.O., Yogapatti and due to aforesaid reason the informant has lodged this false and frivolous case against the appellant. Informant has not sustained any injury in the occurrence. There is no allegation of slating the informant in the specific name of his caste against the appellant, hence no offence under SC/ST Act is made out against the appellant. There is inordinate and abnormal delay of 4 days in lodging the F.I.R. 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.

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 cum Special Judge, SC/ST/POCSO, Bettiah, West Champaran in connection with Nawalpur P.S. Case No. 507 of 2018, 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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