

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4721 of 2019

Arising Out of PS. Case No.-389 Year-2015 Thana- SIKARPUR District- West Champaran

PASPAT KUSHWAHA @ PASPAT MAHTO Son of Late Chirkut Mahto @
Late Chirkut Kushwaha Resident of Village - Malda, P.S.- Shikarpur, District-
West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

2 07-11-2019 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 30.09.2019 passed by learned 1st Addl. Sessions Judge
cum Special Judge, SC/ST/POCSO Act, Bettiah, West
Champaran in Shikarpur P.S. Case No. 389 of 2015 registered
under Sections 341, 323, 379, 504/34 of the Indian Penal Code
and Section 3(i)(x) of the SC/ST Act.

While the informant was proceeding to market, four
named accused persons including the appellant encircled him
and the appellant and Ashok Tiwari caught him hold and
Narbada Tiwari assaulted him by means of leg and fist while
Dhurendra Yadav took out Rs.2000/- from his pocket. They also



demanded extortion of Rs.5000/-.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case merely because petition of the informant regarding Jamabandi over the land in possession of the appellant has been dismissed on filing of the documents and raising objections by the appellant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. No offence under SC/ST Act is made out against the appellant. Allegation of theft is super addition. 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 Act, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 389 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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