

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4816 of 2019

Arising Out of PS. Case No.-189 Year-2017 Thana- RAJPUR District- Buxar

-
1. VIDYA SAGAR SINGH Son of Late Narsingh @ Narsingh Singh Resident of Village - Akbarpur, P.S.- Rajpur, District- Buxar
 2. Satyendra Kumar Singh @ Satyendra Singh Son of Late Rajadhari Singh Resident of Village - Akbarpur, P.S.- Rajpur, District- Buxar

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Babu Nandan Prasad
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 14-11-2019 Heard learned counsel for the appellants 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 18.09.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Buxar in connection with Rajpur P.S. Case No.189 of 2017 registered under Sections 341, 384, 307, 504 & 506/34 of the Indian Penal Code and Section 3(1) (v) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



While the informant, his mother and Ward Member Upendra Ram had gone to attend feast, appellants along with three other accused persons intercepted them and slated Upendra Ram in the name of caste and on the protest made by the appellant and his mother they pointing pistol demanded extortion of 20% in the scheme carried out by the wife of the informant and on the exhortation of the appellant Vidya Sagar Singh other accused persons resorted firing but they left unhurt.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, appellant Vidya Sagar Singh has lodged Rajpur P.S. Case No.188 of 2017 against the brother of the informant under Section 448 & 307/34 of the Indian Penal Code and Section 27 of the Arms Act, preceding to the case under hand, and in order to save skin from the said case this case has been lodged against the appellants with altogether wrong and concocted allegation. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Appellants have 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 appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Buxar in connection with Rajpur P.S. Case No.189 of 2017, 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)

Trivedi/-

U		T	
---	--	---	--

