

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.108 of 2020**

Arising Out of PS. Case No.-42 Year-2019 Thana- SC/ST District- Araria

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RAHMAT ALI Son of Md. Fainul Resident of Village- Sonapur, Chakorba,  
Ward No. 15, P.S.- Narpatganj, District- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Rama Nand Poddar

For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      16-12-2020                      Due to COVID-19 Pandemic, the matter is being  
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For  
Orders” under the orders of Hon’ble the Chief Justice.

Heard the parties.

Ref:                      **I.A. No. 01 of 2020**

This interlocutory application has been filed for  
condonation of delay in filing the present Memo of appeal.

Considering the grounds taken in the application, the  
present interlocutory application is ***allowed***.

The delay in filing the present Memo of appeal is  
condoned.

The matter relates to grant of anticipatory bail to the



appellant in connection with Araria (SC/ST) P.S. Case No. 42 of 2019 (Spl. Case No. 70 of 2019) registered for the offences under Sections 341, 323, 384, 504 & 506 of the Indian Penal Code and Sections 3(1)(r) of the SC/ST Act.

Allegedly, the informant who is Mukhiya of Sonapur Gram Panchayat was wrongfully restrained by the appellant in Sonapur Bazar and was demanded ransom amount of five lacs and on protest, the appellant started abusing him taking his caste name and also threatened him of dire consequences.

It has been submitted on behalf of the appellant that there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The appellant has made an application before the DDC Araria against the informant of the present case and on the basis of the same, an inquiry was conducted regarding the misuse of the public money by the informant and in retaliation to that, the present case has been instituted. The alleged occurrence has not taken place within public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the Complaint Case/F.I.R.



In view of the aforesaid facts and circumstances, the order dated 17-06-2019 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Araria in Araria (SC/ST) P.S. Case No. 42 of 2019 (Spl. Case No. 70 of 2019) is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Araria in connection with Araria (SC/ST) P.S. Case No. 42 of 2019 (Spl. Case No. 70 of 2019).

**(Sudhir Singh, J)**

A.K.V.//-

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