

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.275 of 2020

Along with

INTERLOCUTORY APPLICATION No. 01 of 2020

Arising Out of PS. Case No.-304 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

Rahul Srivastava, aged about 22 years (Male) Son of Muna Srivastava
Resident of Village - Lohiya Nagar, Ward No.28, P.S.- Begusarai Town O.P.
Lohiya Nagar, Distt.- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arjun Prasad, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 22-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Arjun Prasad, learned counsel for the appellant and Mr. Sadanand Paswan, learned Special Public Prosecutor (hereinafter referred to as the 'Spl. PP') for the State.

3. Interlocutory Application No.01 of 2020 has been filed for condonation of 48 days delay in filing the present appeal. Having heard learned counsel for the parties, the delay is condoned. Interlocutory Application No.01 of 2020 stands disposed off.

4. The appellant is in custody in connection with



Begusarai Nagar PS Case No. 304 of 2018 dated 22.05.2018 instituted under Sections 147/148/149/323/307/384/386/354A/354D/387 of the Indian Penal Code and 3(1)(r)(D)/3(2)(va) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. The allegation against the appellant and others is of demanding extortion from the informant and also assault by butt of pistol.

6. Learned counsel for the appellant submitted that though the allegation is that the appellant had gone demanding extortion for the purpose of consuming liquor, but the same is false as only because of local rivalry he has been implicated. It was submitted that the appellant is in custody since 21.08.2019.

7. Learned Spl. PP, from the case diary, submitted that the appellant is a veteran criminal as against him seven more cases have been lodged, including under Section 302 of the Indian Penal Code. It was submitted that in the application only three criminal antecedents have been disclosed whereas in the case diary seven cases are mentioned and, thus, it is also a case where fact has been suppressed before the Hon'ble Court in the affidavit. Learned counsel submitted that it has come during investigation that the appellant is the leader of the group which



indulges in such type of extortion activity and also commits other serious crimes.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the appellant on bail.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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