

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1494 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- BARAUNI District- Begusarai

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Bipin Roy S/O Late Ram Udgar Roy Resident of Village - Chakiya (Naya Tola), P.S.- Barauni (Chakia O.P.), Dist. - Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shubhesh Pandey

For the Respondent/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-09-2020 The matter has been taken up through virtual Court proceeding.

Since the Court proceeding is non-functional in physical mode due to present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the appellant undertakes to remove the defects within three weeks of resumption of Court proceedings.

In case of non removal of the defects within undertaken period, the office shall place the matter before the bench.

Heard learned counsel for the appellant and learned Special P.P. for the respondent-State.



The present appeal has been preferred on behalf of the appellant for setting aside the order dated 29.05.2020 passed by learned Special Judge, SC/ST (PoA) Act, Begusarai, whereby the appellant's prayer for bail in connection with Barauni P.S. Case No. 31 of 2020 registered for the offences punishable under Sections 384, 386, 387 of the Indian Penal Code, 1860 and Sections 3(1)(r)(s) 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989 has been rejected.

The prosecution case, as per the written report of Dinesh Paswan submitted to the Station House Officer of Barauni Police Station, is to the effect that on 22.01.2020 at 6:00 P.M., the informant was surrounded by the appellant near Rajendra Nagar Railway Station. It is alleged that the appellant abused the informant by calling his caste name, demanded Rs. 50,000/- as extortion, snatched Rs. 20,000/- from the pocket of the informant and threatened to kill the informant and his family members if remaining extortion amount of Rs.



30,000/- is not paid to the appellant.

It is submitted by learned counsel for the appellant that the appellant has been framed in this case since a complaint was made before the Hon'ble Chief Minister against the highhandedness of the officials of Barauni Police Station. The mother of the appellant had lodged Complaint Case No. 58 of 2020 against the Officer-in-charge of Chakia O.P., Begusarai and in reiteration, the appellant was arrested on 22.01.2020 but the F.I.R was registered on 23.01.2020. The appellant is in custody since 23.01.2020. Though the appellant is accused in three other cases, but he is on bail in those cases.

Learned A.P.P. submits that accusation is specific against the appellant.

Considering the accusation being levelled in the background of litigated relationship and the investigation being concluded, the order dated 29.05.2020 passed by learned Special Judge, SC/ST (POA) Act, Begusarai is,



hereby, set aside and the appellant above named is directed to be released on bail for a period of three months for the present on furnishing one surety to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Begusarai in connection with Barauni P.S. Case No. 31 of 2020.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the appellant which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the appellant will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Special Judge, SC/ST



(PoA) Act, Begusarai in connection with Barauni P.S.

Case No. 31 of 2020.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

Accordingly, the appeal is allowed.

(Dinesh Kumar Singh, J)

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