IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 544 of 2020

1. Lav Kumar Mehta @ Lav Mehta
2. Prabhat Kumar Mehta
3. Ajit Kumar Mehta **.... Appellants**

Versus

1.The State of Jharkhand
2. Shamlal Manjhi **..... Respondents**

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Appellant :Mr. Nilesh Kumar, Advocate
For the State :Mr. S.K. Tiwari, A.P.P
For Resp. No.2 :Mr Samir Saurav, Advocate

05/Dated: 16.12.2020

1. The appeal is directed against the judgment dated 18.08.2020 passed by the learned Special Judge SC/ST (POA) Act, Palamau at Daltonganj, whereby the prayer of anticipatory bail of the appellants have been rejected in connection with SC/ST P.S. Case No.18 of 2017 registered offence under Sections 420, 323, 127, 148, 149, 504, and506 of IPC and Section 3 (r) (s) of SC/ST (POA) Act.

2. Heard the learned counsel for the appellant and learned APP. It appears that after investigation the police had submitted final form and the court below on perusal of the case case diary and the materials on record by order dated 12.02.2018 took cognizance of the offence Sections 323, 127, 148, 149, 504, and506 of IPC and Section 3 (r) (s) of SC/ST (POA) Act. The contention of the learned counsel that the ingredients to constitute the offence under SC/ST Act is not made out as the occurrence has taken place within the confine of the home and not in public place can be appreciated when the evidence is led in the trial court. It is submitted that the case has been lodged with an ulterior motive to extort money from the appellants. It is submitted that as per FIR it s alleged that the informant had lent Rs.50,000/- to appellants which demonstrates that the complainant/informant does not belong to the weaker section of society and the case has been lodged with an intent to feed fat an old grudge.

3. Learned counsel on behalf of the respondent No.2 has opposed and referred to the Annexures contained in the counter-affidavit and submitted that the appellants had abused the complainant when he had asked them to return the money lent by him.

4. Heard. On perusal of the record it appears that witnesses have supported the allegation that the appellants had abused the respondent by his caste name. The court below has considered and discussed the material evidence available in the case diary as would be evident from the impugned order. Thus, considering the materials on record it is not a fit case for extending the privilege of anticipatory bail to the appellants.

They are directed to surrender in the court below within and pray for regular bail. The court below shall pass necessary order on merit without being prejudiced by any observation made hereinabove. It is made clear that this Court has not expressed any view or opinion on merit of the case.

(AMITAV K. GUPTA, J.)

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