

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.311 of 2020**

Arising Out of PS. Case No.-14 Year-2018 Thana- SC/ST BAGHA District- West Champaran

1. SANTOSH KUMAR SHRIVASTAVA S/o Late Murali Manohar Shrivastava
R/o village- Yamunapur, Dhirauli, P.S.- Laukariya, District- West
Champaran
2. Sk. Fariyad S/o Madisha Shekh R/o village- Basgoan Awasani, P.S.-
Patkhauri, District- West Champaran
3. Jitendra Kumar Sahani @ Jitendar Sahani S/o Jagdish Sahani R/o village-
Sirisiya, P.S.- Naurangiya, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prithvi Nath Mishra, Adv.

For the Respondent/s : Mrs.Usha Kumari No.1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 23-02-2021 Heard Mr. Prithvi Nath Mishra, learned counsel for

the appellants and Mrs. Usha Kumari No.1, learned Special P.P.

for the State.

This appeal is filed under Section 14(A)(2) of
S.C./S.T.(Prevention of Atrocities) Act for grant of anticipatory
bail in Bagaha S.C./S.T. P.S. Case No.14 of 2018 registered
under Sections 341, 323, 504, 506 and 34 of the Indian Penal
Code and under Section 3(i)(r)(s) of S.C./S.T.(POA) Act and
against the order dated 07.11.2019 passed in A.B.P. No.2590 of
2019 refusing to grant anticipatory bail to the appellants by the
learned Special Judge, S.C./S.T. Act, Bettiah, West Champaran.



The informant alleged that appellants and others came to his house abused the informant by naming his caste, also assaulted him and threatened to kill.

Learned counsel for the appellants submits that one Sudha Devi lodged one F.I.R. being Bagaha (Patkhauli) P.S. Case No.449 of 2018 on 09.09.2018 against the informant namely, Mukund Murari Ram alleging therein that he runs a non-government N.G.O. in the name of Manwadhikar Nispaksh Bureau Bharat Sanstha and he took Rs.700, Rs.1700, Rs.2700, Rs.3700 and Rs.5700 from different people including the informant of that case. The appellants are the witnesses of the aforesaid F.I.R. and that is why the informant lodged the case making false and frivolous allegation. In fact, the informant of the present case has collected huge amount from innocent villagers in the name of Manwadhikar Nispaksh Bureau Bharat Sanstha but the money collected by the informant and others were not deposited in any account.

Mrs. Usha Kumari No.1, learned Special P.P. however submits that in the F.I.R., the informant made allegation that all the appellants abused by naming their caste and threatened of dire consequences.

Having considered the facts that prior to institution of



the present F.I.R. by the informant, the informant is alleged to have collected money from different persons including the informant of Bagaha (Patkhauli) P.S. Case No.449 of 2018 and in the aforesaid case, the appellants are the witnesses. Only after four days, the present F.I.R. was lodged. Thus, I find that the appellants deserve anticipatory bail.

Taking into consideration the facts aforesaid, let the appellants, above named, in the event of their arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge I-cum-Special Judge, Bettiah, West Champaran in connection with Bagaha S.C./S.T. P.S. Case No.14 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The order dated 07.11.2019 is set aside. The appeal is accordingly allowed.

(Prabhat Kumar Jha, J)

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