

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2534 of 2021

Arising Out of PS. Case No.-375 Year-2020 Thana- NAUBATPUR District- Patna

1. RIPU PRASAD @ RIPU YADAV S/o Lorik Yadav Resident of Village- Sarari, P.S.- Naubatpur, District- Patna.
2. Anand Kumar S/o Suresh Yadav Resident of Village- Sarari, P.S.- Naubatpur, District- Patna.
3. Bhim Kumar @ D.C. S/o Rajeshwar Yadav Resident of Village- Sarari, P.S.- Naubatpur, District- Patna.
4. Sudhir Kumar @ Sudhir Yadav S/o Lalbabu Yadav Resident of Village- Sarari, P.S.- Naubatpur, District- Patna.
5. Deepak Kumar S/o Madan Yadav Resident of Village- Sarari, P.S.- Naubatpur, District- Patna.
6. Ravi Kumar S/o Nandjee Yadav Resident of Village- Sarari, P.S.- Naubatpur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-07-2021

I.A. No. 1 of 2021

For the reasons stated in the application, the delay in preferring of this appeal is condoned.

The application stands allowed.

Heard Mr. Awadhesh Kumar Singh, learned counsel for the appellants and Mr. Binay Krishna, learned Spl. PP for the State.

The appellants have challenged the order dated 12.11.2020 passed by the learned Additional



District Judge 3rd cum Special Judge, SC/ST, Patna in A.B.P. No. 4900 of 2020 arising out of Naubatpur P.S. Case No. 375 of 2020, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act has been rejected.

It has been alleged in the FIR that while the informant was in his village, he was asked for his name and caste by the appellants. On learning that the informant is a person of low caste, he was abused and insulted. Some of the appellants are also alleged to have assaulted him.

The brother of the informant, it has been averred in the FIR, had some fight with the appellants in the past for which an effort was made by the informant to mediate between the warring parties. The present occurrence, it has been alleged in the FIR, is only an off-shoot of the occurrence referred to above.

Learned counsel for the appellants has submitted that an absolutely false case has been instituted against the appellants. The fact of the matter is that the informant and his associates have been demanding some kind of protection money from the appellants for running a clinic and a medicine shop.



Shortly after the recording of the present case, a complaint also was filed regarding the aforesaid demand of extortion money. The injuries suffered by the victim are stated to be simple in nature. The background facts indicate that the offence under Section SC/ST (Prevention of Atrocities) Act is highly exaggerated and has been invoked for ulterior purposes.

Regard being had to the aforesaid submissions, the order dated 12.11.2020 is set aside.

The appeal stands allowed.

On the appellants surrendering before the court below within a period of eight weeks, they shall be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge 3rd cum Special Judge, SC/ST, Patna in A.B.P. No. 4900 of 2020 arising out of Naubatpur P.S. Case No. 375 of 2020.

(Ashutosh Kumar, J)

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