

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1649 of 2020**

Arising Out of PS. Case No.-134 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

Deepak Kumar @ Deepak Kumar Singh, aged about 37 years, Son of Dinesh Prasad Sah Resident of Village - Makwa, P.S. - Asarganj, District – Munger  
... Appellant

Versus

The State of Bihar  
... Respondent

**Appearance :**

For the Appellant : Mr. Rajesh Kumar Singh, Advocate  
For the Respondent : Mr. Addl Public Prosecutor

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

3      12-01-2021                      Heard learned counsel for the appellant and learned Special P.P. for the State.

The present appeal has been filed for setting aside the order dated 01-06-2020 passed by learned Additional Sessions Judge III cum Special Judge, SC/ST Act, Bhagalpur in Jagdishpur Police Station Case No. 134 of 2020, registered for the offence punishable under Sections 323, 504 and other allied sections of the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(va) of SC/ST Act, whereby the prayer for bail of appellant was rejected.

As per the prosecution case, on 16.4.2020 at about 2 PM, the BDO, Jagdisghpur along with two persons including the appellant went to the PDS shop of the informant Rubi Kumari for making inquiry. In course of the inquiry, appellant entered into the house of the informant and when the same was protested, appellant abused the informant. It is further alleged that after inquiry, the BDO seized distribution register and asked



her to come to the Office and when she reached there at 4 PM, the appellant demanded Rs.15,000/- as bribe to save her. It is further alleged that the appellant is the relative of the BDO and he works as tout of the Block office. Informant has also alleged that when she tried to make video clippings of the occurrence, the appellant snatched her mobile phone and abused her calling the caste name.

It is submitted on behalf of the appellant that the FIR is based on concocted story and lodged to put pressure on the BDO to get rid of charges of irregularities committed by the informant being a PDS dealer. Learned counsel further submits that the appellant is the relative of the BDO, who had suffered fracture injury and he was taking care of him at the relevant time and he has nothing to do with the work profile of the concerned BDO. There is delay of a day in lodging of the FIR without giving any cogent explanation. Appellant has got no criminal antecedent as stated in paragraph 3 of the appeal. No offence under the SC/ST Act is made out against the appellant as the alleged incident has not taken place in public view.

However, learned Special P.P. has opposed the appeal and submitted that there is specific allegation against the appellant that he demanded bribe of Rs.15,000/- and abused the



informant by calling her caste name.

Considering the aforesaid facts and circumstances, I do not find any ground to interfere with the order dated 01.06.2020, passed by the learned court below and as such, the appeal, which has been filed for grant of anticipatory bail, is hereby rejected.

**(Prabhat Kumar Singh, J)**

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