

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2185 of 2020

Arising Out of PS. Case No.-217 Year-2020 Thana- NATHNAGAR District- Bhagalpur

1. Gipiya Goswami @ Jitendra Kumar Goswami S/o Siyaram Goswami, Resident of village- Mansar Shahjadpur, P.S.- Nathnagar, District- Bhagalpur.
2. Rakesh Goswami @ Rakesh Kumar Goswami S/o Dinesh Goswami, Resident of village- Nisfambay Nathnagar Shahzadpur, P.S.- Nathnagar, District- Bhagalpur.
3. Santosh Goswami @ Santosh Kumar Goswami S/o Vinod Kumar Goswami, Resident of village- Mansar Nathnagar, P.S.- Nathnagar, District- Bhagalpur.
4. Saryug Yadav @ Sarun Kumar S/o Laddu Yadav, R/o village- Mansar Nathnagar, P.S.- Nathnagar, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar, Adv.
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 05-03-2021 Heard learned counsel for the appellants and learned
counsel for the State.

The appeal is admitted.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the refusal of prayer for bail vide order dated 11.06.2020 passed by 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 217 of 2020 registered for offence punishable under sections 341, 323, 379,



504/34 of the Indian Penal Code and section 3 (i) (r) (s) of the SC/ST Act, whereby and whereunder the prayer for anticipatory bail made on behalf of the appellants has been rejected.

From the FIR it appears that the accused persons went to Harijan Tola and started hurling abuses and assaulted the victim with fists and slaps. Whereafter, the victim was being taken to Bagicha. When he raised alarm, the people of the locality came there and saved him, but the accused persons took away Rs.500 from his pocket.

Learned counsel for the appellants submits that it is completely a fabricated story, as one month earlier a complaint was filed by Jitendra Kumar before Sarpanch, alleging therein that on 25.03.2020, the accused persons including the informant came to his mango orchard in the drunken condition and started misbehaving and abusing and demanded Rs.10,000/- as extortion money and also threatened for instituting false case against him. Whereafter, the entire villagers made complaint to D.I.G., Bhagalpur reiterated the same thing. Allegation has been made of misbehaving against the informant side.

Looking to the facts and circumstances of the case, the impugned order dated 11.06.2020 is set aside and the appellants above named, in the event of arrest or surrender



before the court below within six weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 217 of 2020, subject to the condition that one of the bailors of the appellants shall be their close relative. The appellants will not induce any witness or tamper with the evidence. The appellants shall cooperate in the disposal of trial and make themselves available as and when required by the court. In case of failure on two consecutive dates without any valid reason, the court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, this appeal is allowed.

(Shivaji Pandey, J)

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