

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2150 of 2021

Arising Out of PS. Case No.-380 Year-2017 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. SHAILESH SINGH @ SHAILESH KUMAR SINGH Son of Late Jagdish Prasad Singh Resident of Village- Pachferwa, P.S.- Bhairoganj (Chuutarwa), District- West Champaran (Bettiah)
 2. ANIL SINGH Son of Late Jgdish Prasad Singh Resident of Village- Pachferwa, P.S.- Bhairoganj (Chuutarwa), District- West Champaran (Bettiah)
 3. RAJAN SINGH @ RAJESH KUMAR SINGH Son of Late Jagdish Prasad Singh Resident of Village- Pachferwa, P.S.- Bhairoganj (Chuutarwa), District- West Champaran (Bettiah)
 4. APRAJITA SINGH Wife of Shailesh Singh @ Shailesh Kumar Singh Resident of Village- Pachferwa, P.S.- Bhairoganj (Chuutarwa), District- West Champaran (Bettiah)

... .. Appellant/s

Versus

1. The State of Bihar
2. Jai Shankar Ram son of late Ganesh Ram Resident of village- Gajpurva Ram Singh Chatauni, P.S.- Muffasil, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Baxi S.R.P. Sinha, Sr. Adv
		Mr. Sanjay Kumar, Adv
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-08-2022 Heard the parties.

Vide order dated 20.04.2022, notice was directed to be issued to the respondent no.2 and thereafter, vakalatnama has been filed on his behalf but when the case is called out, nobody appears to argue the case.

Learned counsel for the appellants filed a supplementary affidavit in the court today. The same is accepted and kept on



record.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 21.12.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, in connection with Muffasil P.S. Case No. 380 of 2017 registered under sections 420, 406, 467, 468, 471 of the Indian Penal Code and section 3(i)(x) of S.C./S.T. Act.

Allegedly, the complainant applied for L.P.G. distributorship and he got knowledge that for getting distributorship he has to pay Rs.8 lakh as security money. The complainant gave money to one Shailesh Singh and after that he got LOC of Indian Oil. It is further stated that when the complainant did not get his work done, he rushed to Patna office of Indian Oil where he found that LOC is not genuine one. Then the complainant pressurized Shailesh Singh for return of money. On 14.10.2015, Shailesh Singh Issued cheque of Rs.7 lakh, but he could not get money as the cheque could not be encashed due to non availability of money.

Learned counsel for the appellants submits that appellants



are innocent and have been falsely implicated in the present case due to village politics. No such occurrence as alleged has ever taken place. The accused namely Shailesh Singh is not holding any post in Indian Oil Corporation, in order to implicate the entire family, a baseless story has been created. It is submitted that there is general and omnibus allegation against the appellants. No offence under the SC/ST Act is made out against the appellants as the alleged occurrence is not said to have taken place in public view. No offence under the SC/ST Act is made out against the appellants as there is no specific allegation against them to abuse the informant by taking caste name. He further submits that the occurrence took place on 08.02.2016 and the F.I.R. was filed on 04.03.2016. i.e. after delay of 24 days. The first complaint was dismissed on 29.09.2016. thereafter the second complaint was filed in the year 2017 and the matter was referred to police and the F.I.R. was lodged on 20.07.2017. It is indicated that earlier also the complainant had filed complaint on the same and similar facts. The prayer was also referring the matter under section 156(3) of the Cr.P.C., but the same was dismissed by the learned court below. The appellants have no criminal antecedent, as also mentioned in para-3 of this memo of appeal.



Learned Spl.P.P for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, since there is no allegation of abuse by taking caste name against the appellants, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Motihari, East Champaran in connection with Muffasil P.S. Case No.380 of 2017, subject to the condition as laid down under section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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