

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.578 of 2023

Arising Out of PS. Case No.-215 Year-2022 Thana- RANIYATALAB District- Patna

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1. DEEPAK KUMAR Son of Surendra Prasad @ Surendra Ram R/v- Rajipur, P.S.- Ranitalab, District- Patna, Bihar
 2. LOOTAN SAO @ LUTAN SAW Son of Late Jaddu Sao R/v- Rajipur, P.S.- Ranitalab, District- Patna, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. GUDIA DEVI Wife of Ranjeet Paswan R/v- Rajipur, P.S.- Ranitalab, District- Patna, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prashant Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

This is an appeal under Section 14(a)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the ‘SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 30.11.2022 passed by learned Exclusive Special Court, SC/ST Act, Pata in connection with Ranitalab P.S. Case No. 215/2022, registered under Sections 341, 323, 379, 385, 307, 504 and 506/34 of the Indian Penal Code,



Section 27 of the Arms Act and Section 3 (1)(r) & (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they demanded ransom of Rs.20,000/- from the informant and other others co-accused fired upon the house of the informant. When the Police reached the place of the occurrence an empty cartridge was seized by them.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. From perusal of the FIR appears that there is considerable delay in filing of the present FIR without any plausible reason. There is no specific overt act against any of these appellants. The present FIR appears to be motivated exercise at behest of the informant who is Mukhiya of the panchayat and she has misused her position to wreck vengeance upon the appellants who had some resentment leading to accidental death of the mother of the appellant no.2. Appellants have got one criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State along with learned counsel for the respondent no.2 opposes the prayer for bail.



In the facts and circumstances of the case, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST Act, Pata in connection with Ranitalab P.S. Case No. 215/2022, 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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