

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.722 of 2022

Arising Out of PS. Case No.-386 Year-2019 Thana- JAHANABAD District- Jehanabad

1. Ramchandra Kewat S/O Late Ram Prasad Kewat R/O Village- Mallahchak, P.S. And District- Jehanabad, State Bihar
2. Munna Kewat @ Aditya Narayan Kumar S/O Ramchandra Kewat R/O Village- Mallahchak, P.S. And District- Jehanabad, State Bihar
3. Suresh Kewat S/O Late Ram Prasad Kewat R/O Village- Mallahchak, P.S. And District- Jehanabad, State Bihar
4. Sunil Kumar @ Sunil Kewat S/O Late Rampravesh Kewat R/O Village- Mallahchak, P.S. And District- Jehanabad, State Bihar

... .. Appellants

Versus

1. The State of Bihar
2. Sunil Das S/o Ratan Das R/o village- Surajpur, P.S.- Hulasganj, District- Jehanabad, Bihar

... .. Respondents

Appearance :

For the Appellants	:	Mr. NK Agrawal, Dr. Advocate and Mr. Kumar Rajdeep, Advocate
For the Respondents	:	Mr.Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-03-2023 Heard learned counsel for the parties.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 24.01.2022 passed by learned Additional District & Sessions Judge-I, Jehanabad in connection with Jehanabad P.S. Case No. 386 of 2019 under Sections 379, 384, 504, 506/34 of the Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

As per the prosecution case, informant suspected that these appellants have stolen his building construction material. While the informant was inquiring from the nearby people about the missing of construction material, appellants having armed with weapons abused him by caste name, drove away the labourers and snatched cash from his pocket. The accused



persons also demanded extortion from the informant.

It is submitted on behalf of the appellants that due to land dispute between the parties this false and concocted case has been lodged against the appellants. Informant is not eyewitness of the occurrence and he suspected that appellants had stolen his construction materials. Only on suspicion appellants have been made accused in this case. There is general and omnibus allegation. It is not the case of the informant that any member of the public was present at the time of the incident, as such, no case under SC/ST Act is made out. Similarly situated co-accused have already been allowed bail by this Court vide order passed in Cr.Appeal (SJ) 716 of 2022.

Counsel for informant and the State however vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 24.01.2022 passed by learned Additional District & Sessions Judge-I, Jehanabad is set aside.

Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-I, Jehanabad in connection with Jehanabad P.S. Case No. 386 of 2019.

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(Prabhat Kumar Singh, J)

