

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1927 of 2023

Arising Out of PS. Case No.-78 Year-2018 Thana- SC/ST District- Araria

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1. SHYAM BISHWAS @ SHYAM KUMAR Son of Shambhu Bishwas @ Shambhu Sharan Vishwas Resident of village - Hasanpur Baludhima, P.S. - Raniganj, Distt. - Araria
 2. Soman Bishwas @ Suman Kumar Bishwas Son of Shambhu Bishwas @ Shambhu Sharan Vishwas Resident of village - Hasanpur Baludhima, P.S. - Raniganj, Distt. - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Kalawati Devi Wife of Raju Rishideo Resident of village - Hasanpur Baludhima, P.S. - Raniganj, Distt. - Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Rana, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2023 1. Heard learned counsel for the appellants and
learned Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 16.03.2023 in A.B.P. No. 361 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Araria SC/ST P.S. Case No. 78 of 2018 registered for the offences punishable



under Sections 341, 323, 379, 354(B), 384, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r) of the SC/ST Act.

3. The informant alleges that while she was constructing her house the accused persons including the appellants came and demanded an extortion of Rs. 2,00,000/- and threw the mixture of cement and sand and on objection assaulted and abused by taking caste name.

4. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and have been falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that though there is allegation of assault and abuse but then the same is not specific.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 16.03.2023 in A.B.P. No. 361 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Araria SC/ST P.S. Case No. 78 of 2018 is hereby set aside and the appellant above-named, in the event of



his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Araria SC/ST P.S. Case No. 78 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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