

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3026 of 2022

Arising Out of PS. Case No.-90 Year-2021 Thana- MANIHARI District- Katihar

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1. BABUL HAQUE Son of Late Muzaffarpur Ali Resident of Village - Muzffar Tola Lalbathani, P.S.- Muffasil Sahebganj, District - Sahebganj (Jharkhand).
 2. Md. Kalu @ Md. Mofik Son of Motiour Rahman Resident of Village - Rahman Tola Mahakalpur Lalbathani, P.S.- Muffasil Sahebganj, District - Sahebganj (Jharkhand).
 3. Md. Zahir Son of Makbul Hussain Resident of Village - Makhmalpur Utri Tola, P.S.- Muffasil Sahebganj, District - Sahebganj (Jharkhand).

... .. Appellant/s

Versus

1. The State of Bihar
2. Sakal Dev Mandal Son of Late Mant Lal Mandal Resident of Village - Marganha, Ward No.- 6, P.S.- Manihari, District - Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bhola Prasad
For the Respondent/s	:	Mrs.Usha Kumari 1 Mr.Anshuman Jaipuriyar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-03-2023 Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel appearing on behalf of respondent no. 2.

The present appeal has been filed against order dated 08.08.2022 passed by learned A.D.J.-I-cum-Special Judge, SC/ST Act, Katihar in Manihari P.S. Case No. 90 of 2021 registered for the offence punishable under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r) (s)(f)(g) / 3(2)(va) of the Scheduled Castes and the Scheduled



Tribes (POA) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellants was rejected.

As per F.I.R., on 27.04.2021, when the informant had gone to plough his land, all the F.I.R. named accused persons including these appellants armed with weapons stopped the informant from ploughing the field and upon protest, demanded Rs. 2 lakh, as extortion money, and when the informant opposed for this, they snatched Rs. 30,000/- from his pocket and abused him with caste name.

Learned counsel for the appellants submits that entire prosecution case is planted to harass the appellants due to land dispute between the parties. Allegation of demand of extortion money and snatching of cash of Rs. 30,000/- have been made in order to magnify the offence. It is not the case of the informant that there was any member of the public was present at the time of occurrence and as such, no case under the SC/ST Act is made out. Appellants have got clean antecedent.

The appeal is vehemently opposed by learned Special P.P. as well as learned counsel for the respondent no. 2.

Considering the aforesaid facts and circumstances, the impugned order dated 08.08.2022, so far as these appellants are concerned, is, hereby, set aside and appeal is allowed.



Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellants 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 learned A.D.J.-I-cum-Special Judge, SC/ST Act, Katihar in connection with Manihari P.S. Case No. 90 of 2021.

(Prabhat Kumar Singh, J)

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