

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1539 of 2023**

Arising Out of PS. Case No.-11 Year-2023 Thana- BACHHWARA District- Begusarai

MANOJ ROY @ MANOJ KUMAR Son of Pradeep Roy R/V- Bhagwanpur
PS- Bachhawara Dist- Begusarai

... .. Appellant

Versus

1. The State of Bihar
2. Kamal Paswan Late Baldeo Paswan Resident of Village- Dodpur Ward No.5,
P.S.-Bachhwara , District- Begusarai

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Ram Sumiran Rai, Advocate
For the Respondent/s	:	Ms/Mrs. Usha Kumari 1, Spl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 16-05-2024 Heard learned counsel for the appellant and the State. Nobody appears for respondent no.2 in spite of valid service of notice on him.

2. This appeal has been filed for setting aside order dated 27.2.2023 passed in a case registered for the offence punishable under sections 384,504,506/34 of the IPC and sections 3(i)(r)(s)/3(2)V(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on 11.01.2023 at 12:30 P.M. while respondent no.2 was standing in the angan of panchayat Bhawandadpur, in the meantime petitioner along with other accused persons came there on motorcycle and started



abusing him and in course of doing so, appellant pointed pistol on his temporal region and demanded one lakh rupees and also abused by caste name. Appellant threatened respondent no.2 that if within one week, he did not give the money, then he will be killed.

4. Learned counsel appearing for the appellant submits that due to mala fide intention appellant has been implicated in this case. Appellant is a private teacher and he was provided some allotment for construction of Kura Karkat house and for that respondent no.2 was demanding commission. When petitioner refused to pay him commission, respondent no.2 in order to pressurize and humiliate, lodged this case against the petitioner. It is not the case of the respondent no.2 that any member of the public was present at the place of occurrence, as such, no offence under the SC/ST Act is made out against the appellant. Appellant claims clean antecedent.

5. Counsel for the State opposes the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. Let the appellant, named above, in the event of arrest/surrender 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) with two sureties of the like amount each to the satisfaction of the Exclusive Special Judge SC/ST (POA) Act, Begusarai in Bacnnawara Police Station Case No. 11 of 2023.

(Prabhat Kumar Singh, J)

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