

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1947 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Pramod Kumar Mahto @ Pramod Kumar S/o Late Baleshwar Mahto Resident
of Village- Pandh Purbari Tol, P.S.- Dalsingsarai, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhaneshwar Das Advocate S/o Late Dina Das Resident of Village-
Chakbahauddin, P.S.- Dalasingsarai, District- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surya Narayan Roy, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-10-2024 Despite valid service of notice, none appears on
behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 19.05.2022 passed by learned Special Judge, SC/ST
(POA) Act, Samastipur in ABP No. 1193 of 2022 in connection
with Dalasingsarai P.S. Case No. 78 of 2022, instituted under
Sections 447, 341, 323, 385, 504/34 of the Indian Penal Code
and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the
prayer for anticipatory bail of appellant has been rejected.



4. Prosecution case, in brief, is that on 20.12.2021 at about 8 AM, this appellant along with 20-25 unknown persons called informant outside of his house and started abusing him by caste name and demanded Rs. 30,000/- as extortion. It is further alleged that on 8.3.2022 at about 5:30 PM, this appellant threatened to kill informant on the point of pistol if he gave evidence against him in Sessions Trial No. 342/2021.

5. Learned counsel for the appellant submits that appellant has falsely been implicated in this case. F.I.R. has been registered after delay of more than 2 months and 10 days as an afterthought. He further submits that reason behind this false and concocted case against appellant is that son of informant purchased stolen cycle of appellant's villager and in this regard Panchayati was convened on 2.1.2022 in which son of informant was directed to return the cycle. F.I.R. does not disclose presence of any member of public when the incident occurred, as such, no offence under SC/ST Act is made out against appellant.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period



of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in ABP No. 1193 of 2022 in connection with Dalasingsarai P.S. Case No. 78 of 2022.

8. Accordingly, this criminal appeal is allowed and impugned order dated 19.05.2022 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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