

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3135 of 2023

Arising Out of PS. Case No.-208 Year-2020 Thana- BARAUNI District- Begusarai

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1. MD. SHAHID son of Allaudin Village- Thakurichak Ps- Barauni dist- Begusarai
 2. Md. Tanveer son of Allaudin Village- Thakurichak Ps- Barauni dist- Begusarai
 3. Md. Pintu @ Md. Sahir son of Allaudin Village- Thakurichak Ps- Barauni dist- Begusarai
 4. Allaudin son of Md. Jamir Village- Thakurichak Ps- Barauni dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sandeep Kumar son of Late Hirawan Ram Village- Thakurichak Ps- Barauni Dist- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sabal Kumar Jha

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 20-11-2024 1. Heard the parties.

2. The appellants apprehend their arrest in connection with Barauni P.S. Case No. 208 of 2020 registered for the offence under Section 341, 323, 385, 504, 506 / 34 of the IPC and Section 3 (1)(R)(S)(W) / 3 / 2 (VA) of the SC/ST Act and being aggrieved by the order dated 30.05.2023 passed by learned Exclusive Special Judge SC / ST (POA) Act, Begusarai has preferred this appeal for grant of anticipatory bail.

3. As per the prosecution case on 08.06.2020 in the night near the shop of the informant, two persons arrived on a



motorcycle covering their face and fired in air and threw a letter near his shop in the name of elder brother of the informant, who runs a band party by which a sum of Rs. 600000/- was demanded as extortion threatening that if the amount is not paid the informant's brother would be killed. On 10.06.2020 in the night the appellants along with other boys exploded a cracker bomb near the shop of the informant and on 12.06.2022 the appellant no. 4 / Allaudin came in the morning near the shop and started abusing by caste name of the informant and threatened of life if money demanded is not paid.

4. Learned counsel for the appellants submits that appellants have falsely been implicated due to business rivalry between the parties. Both the parties are running band party in the name of English Bank and Raja Band respectively. During the course of investigation Police has given the benefit of Section 41(A) of Cr.P.C. and the appellants have co-operated the Police during course of investigation and the Police has submitted charge sheet under minor sections of the I.P.C. and Section 3(1)(r), (s) / 3 (2) (va) of the SC / ST Act. Learned counsel further submits that the Police did not submit charge sheet under Section 385 and other serious sections of the I.P.C.

6. Regard being had to the submission made by the parties,



taking into consideration the nature of allegation, the fact that there was business rivalry between the parties and the appellants were given advantage under Section 41(A) Cr.P.C. during the course of investigation, I am inclined to grant anticipatory bail to the appellants.

7. Accordingly, the order dated 30.05.2023 passed in A.B.A. No. 756 of 2023 arising out of Barauni P.S. Case No. 208 of 2020 passed by Exclusive Special Judge SC/ST (POA) Act, Begusarai is hereby set aside.

8. Let the appellants, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC / ST (POA) Act, Begusarai in connection with Barauni P.S. Case No. 208 of 2020 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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