

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4469 of 2023

Arising Out of PS. Case No.-305 Year-2023 Thana- DHAKA District- East Champaran

1. Ravi Nandan Sharma Son of Late Jai Chandra Sharma R/o vill - Saratha, P.S. - Dhaka, Distt. - East Champaran
2. Hirdesh Kumar Son of Ravi Nandan Sharma R/o vill - Saratha, P.S. - Dhaka, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Babu Paswan Son of Laxman Paswan R/o vill - Saratha, P.S. - Dhaka, Distt. - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Madhurendra Kumar, Adv.
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Resp't No. 2	:	Mr. Harshvardhan, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 02-05-2024 Heard the parties.

2. This appeal has been filed against the order dated 05.08.2023 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with A.B.P. No. 3572 of 2023 arising out of Dhaka P.S. Case No. 305 of 2023, registered under Sections 341, 323, 504, 506, 427, 385, 34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per F.I.R., on 08.06.2023 at about 08:00 PM,



when the informant was walking at the place of occurrence, the appellants came there and abused him by his caste name and spat on his face and assaulted him and also fired upon him. It is further alleged that the appellants demanded Rs. 3 lac as extortion money and threatened that if the same was not given they would create hurdle in work under Govt. scheme.

4. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case due to malafide intention. The present case is counter blast of Complaint Case No. 123 of 2021 which was filed by appellant no. 1 against the informant. Further submission is that the alleged incident did not take place within the public view, as such, no offence under SC/ST Act is made out against the appellants.

5. Learned Spl. Public Prosecutor for State and learned counsel for the respondent no. 2 oppose the bail application.

6. Considering the submissions made above, let the appellants, as named above, in the event of his arrest/surrender within a period of six 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 Act, East Champaran, Motihari in



connection with A.B.P. No. 3572 of 2023 arising out of Dhaka
P.S. Case No. 305 of 2023.

7. Accordingly, the impugned order dated 05.08.2023
is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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