

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5336 of 2023

Arising Out of PS. Case No.-139 Year-2014 Thana- SARAI District- Vaishali

Shatrudhan Kumar @ Dudha Rai Son Of Late Basket Rai Resident Of
Village- Chakainma (CHAKNUR), P.S.- Hajipur Sadr, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Sarwan Paswan Son Of Shri Sakal Panjiyar R/O Village- Karnpura, P.S.-
Mahua, District-Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vasant Vikas, Adv.
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-05-2024 Despite valid service of notice, no one appears on
behalf of the respondent no. 2.

2. Heard the parties.

3. This appeal has been filed against the order dated
29.09.2023 passed by learned Exclusive Special Judge (SC/ST
Act)-cum-Additional District and Sessions Judge, Vaishali at
Hajipur in connection with A.B.P. No. 2440 of 2023 arising out
of Sarai P.S. Case No. 139 of 2014, registered under Sections
147, 341, 323, 307, 384, 386, 504, 506 of the Indian Penal
Code, Sections 3(1)(x) of Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act and Section 27 of the Arms
Act, whereby the prayer for anticipatory bail of appellant has



been rejected.

4. The prosecution story, in brief, is that on 12.08.2014 at about 2:15 PM, the informant was selling liquor in the shop of Bhola Prasad, in the meantime, the appellant along with other others came and took five bottles of liquor and gave Rs. 400/- in lieu of Rs. 500/- when informant demanded Rs. 100/- more, then all the accused persons including the appellant committed *marpit* and abused the informant by his caste name and also extorted Rs. 29,500/- from the counter.

5. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case due to enemies. There is general and omnibus allegation against him. It is further submitted that the First Information Report has been lodged after a delay of 3 days from the alleged occurrence without any explanation. It is not the case of the prosecution, that any member of public was present at the time of occurrence, as such, the incident did not take place within public view and hence no offence under SC/ST Act is made out.

6. Learned Spl. Public Prosecutor for State opposes 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 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 Exclusive Special Judge (SC/STAct)-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with A.B.P. No. 2440 of 2023 arising out of Sarai P.S. Case No. 139 of 2014.

8. Accordingly, the impugned order dated 29.09.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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