

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5461 of 2023**

Arising Out of PS. Case No.-281 Year-2023 Thana- GORAUL District- Vaishali

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LALIT KUMAR S/o Ramswarup Singh R/o village-Chak Gulamuddin, P.S-
Vaishali (Belsar D.P.), District-Vaishali.

... .. Appellant/s

Versus

1. THE STATE OF BIHIAR
2. Durga Kumar S/o Basudev Paswan R/o village-Chak Gulamuddin, P.S-
Vaishali (Belsar D.P.), District-Vaishali.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjeet Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 11-09-2024 1. Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

2. The appellant has challenged the order dated
12.10.2023 passed by the learned Exclusive Special Court
SC/ST Act-cum-Additional District & Sessions Judge, Vaishali
at Hajipur in connection with Goroul P.S. Case No.281 of 2023
instituted for the offences under Sections 341, 323, 385, 379,
504, 506/34 of the IPC, whereby their prayer for grant of
anticipatory bail has been rejected.

3. The learned counsel for the appellant submits that
the FIR initially was not instituted under the SC/ST Act and the
informant alleged that on 26.08.2023 at about 3 O'clock when
the appellant along with three unknown persons were waiting



for him near Gorul Chowk and they abused the informant in name of caste and also threatened and thereafter the appellant assaulted him by an iron rod on neck causing injury, and thereafter took out rupees eighteen thousand from the pocket of the informant and also demanded extortion of rupees five thousand per month.

4. The learned counsel submits that appellant has been falsely implicated in the instant case. It is also submitted that charge sheet came to be submitted under the SC/ST Act also and thereafter cognizance came to be taken, but then submits that initially when the FIR was instituted the same was not instituted under the SC/ST Act. It is next submitted that the parties have compromised, as such no useful purpose would be served by sending the appellant to jail as from perusal of Annexure-2 i.e. compromise petition dated 29.09.2023, it would manifest that on intervention of well wishers the parties compromise the case realizing their mistake.

5. The learned Special P.P. opposes the bail application.

6. Regard being had to the aforesaid submissions, the order dated 12.10.2023 is set aside.

7. The appeal stands allowed.



8. The appellant above named, in the event of his arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court SC/ST Act-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Goroul P.S. Case No.281 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. However, the learned trial court before accepting the anticipatory bail bonds of the appellant shall verify from the informant with regard to the genuineness of the compromise dated 29.09.2023 and in the event, if the informant disputes the genuineness of the compromise, in that event the present order shall not be given effect to.

(Satyavrat Verma, J)

Prakash Narayan

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