

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5255 of 2024

Arising Out of PS. Case No.-163 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Sunny Raj @ Sunny Kumar Son of Vijay Kumar Mallick Resident of Village
-Musapur, P.S- Muffasil, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalan Ram son of Late Visheshwar Ram village- Bhuildhara, Ward no. 13,
Po- Samastipur, Ps- Muffasil, Dist- Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rajeev Ranjan, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr. Rani Shashi Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-01-2025 Heard Mr. Rajeev Ranjan, learned counsel for the

appellant, Mr. Rani Shashi Bharti, learned counsel appearing on

behalf of the informant as well as Ms. Usha Kumari 1, learned

Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
03.07.2024 passed in A.B.P. No. 1152 of 2024 by the learned
Special Judge under SC/ST (POA) Act, Samastipur in
connection with Samastipur (Muffasil) P.S. Case No. 163 of
2022, F.I.R. dated 10.04.2022 registered under Sections 307,
387, 504, 427 and 34 of the Indian Penal Code, Section 27 of
the Arms Act and Sections 3(1), (r), (s)/3 (2), (va) of the



Scheduled Castes and Scheduled Tribes (POA) Act.

3. According to the prosecution case, this appellant along with other accused persons have demanded extortion money of Rs. 50,000/- from the informant and on refusal, they started abusing him by taking his caste name and also started firing.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. He further submits that in fact the dispute has been taken place between the co-accused, Pankaj Kappar @ Haldhar Kappar and the informant and the name of the appellant has falsely been implicated in this case. He further submits that from perusal of the F.I.R it appears that there is no specific allegation of any assault or overt act or demand of rangdari attributed against the appellant rather there is general and omnibus allegation against all the accused persons including this appellant.

5. Learned counsel appearing on behalf of the informant as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the



appellant.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts and circumstances that the appellant has clean antecedent and there is no specific allegation of assault, demand of extortion money or firing against the appellant, let the appellant, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge under SC/ST (POA) Act, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 163 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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