

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 1124 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -BASANTPUR District- SIWAN

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Rajesh Kumar @ Manoj Kumar, S/o Late Bankey Bihari Prasad, resident of Village
Usari, P.S. – Basantpur, District - Siwan

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
(hereinafter referred to as the “SC/ST Act”) against the refusal of
prayer for anticipatory bail vide order dated 20.06.2016 in A.B.P. No.
990 of 2016 passed by the learned 1st Additional Sessions Judge,
Siwan in connection with Basantpur P.S. Case No. 58 of 2016
registered under Sections 323, 354B, 406, 420, 120B of the Indian
Penal Code as well as Sections 3(1)(x)(xii) of the SC/ST Act.

The same complainant had filed an earlier complaint
against the appellant vide Complaint Case No. 2769 of 2014 at
Annexure-2 alleging therein that she had advanced money to the
appellant for getting her appointment as A.N.M. The job was not



granted and only Rs.45,000/- was refunded. The said complaint was dismissed on 02.06.2015 by the learned Magistrate vide Annexure-3. Thereafter, the present complaint case was filed which was subsequently registered as police case alleging therein that the complainant had advanced money to the appellant as loan which the appellant did not refund and committed assault and abuse by taking caste name.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the suppression of material fact by the informant as well as nature of allegation, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court



below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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