

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3871 of 2018

Arising Out of PS. Case No.-297 Year-2015 Thana- AURANGABAD TOWN District-
Aurangabad

Md. Rafique Son of Samsuddin Ansari Resident of Village-63A Veluvidia,
P.S. Chanagadah Hotel,P.S. Patratu, Distt. Ramgarh (Jharkhand).. Appellant/s
Versus

The State of Bihar

.. ... Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh, Adv
For the Respondent/s : Mr. Sri Sadanand Paswan,SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 14-12-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 18.08.2018 in Town P.S.Case No.297 of 2015 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Aurangabad registered under Sections 420,467,468/34 of the Indian Penal Code as well as under Sections 3(i)(xi) of the Scheduled Castes and Scheduled Tribes Act.

Claim of the complainant is that the appellant is one of the Directors of the Company, wherein the complainant had deposited money. However, the maturity amount was not refunded.

Submission is that Company is not an accused in this case. Moreover, no amount was deposited by the



complainant directly to the appellant. Appellant has got no criminal antecedent.

Considering the nature of allegation and the fact that there is no substantial material against the appellant, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of 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 and further 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.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.12.2018
Transmission Date	17.12.2018

