

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3145 of 2017

Arising Out of PS.Case No. -531 Year- 2016 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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1. Jitendra Kumar S/o Shyam Sah Earlier working as Branch Manager, 1st Floor, Krishna Complex, Opposite Seva Sadan Bibiganj, P.S. - Sadar Thana Muzaffarpur, Residing at Rukanpura, P.s. - Danapur, Patna.
 2. Prashant Kumar Yadav S/o Nandan Yadav Presently working as Product Executive (Collection) 1st Floor, Krishna Complex, Opposite Seva Sadan Bibiganj, P.S. - Barhmpura, Muzaffarpur.

.... Appellant/s

Versus

1. State of Bihar.
2. Anjani Kumar Srivastava S/o Late Adya Prasad R/o Mangalpur, P.S. - Nautan, District - West Champaran.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dayanand Singh, Advocate

For the Respondent/s : Smt. Usha Kumari No-1, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 12-02-2018 Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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 regular bail by the learned Additional District and Sessions Judge I-cum-Special Judge (S.C./S.T.), Bettiah, West Champaran in A.B.P. no. 2026 of 2016 arising out of Bettiah Nagar P.S. Case No. 531 of 2016 registered under Sections 406,341,323,379,504/34 of the Indian Penal Code as well as under Section 3(1) (x) of the SC/ST (Prevention of Atrocities) Act, 1989.

The appellant is Branch Manager of Finance Company known as Hinduja Finance Ltd. The company has advanced loan



for purchase a bus to the informant. The refund of loan installment was due, therefore, the appellant and others allegedly intercepted the bus. In the aforesaid background, allegation is that the appellant and others abused the cleaner by taking caste name.

Submission of the learned counsel for the appellant is that the offence under the provisions of SC/ST Act is not attracted against the appellant because it was not committed under the public view.

Considering the aforesaid facts, let the appellant, above named, 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 learned Court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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