

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2636 of 2018

Arising Out of PS. Case No.-226 Year-2018 Thana- RAMPUR District- Gaya

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1. Abhay Kumar Mishra @ Abhay Narayan Kumar Mishra, Son of Nagendra Mishra, resident of Village- Birne, P.S.- Wazirganj, District- Gaya.
 2. Vipul Kumar @ Saurabh Kumar @ Bipul Kumar, Son of Nagendra Prasad Singh, resident of Mohalla- Manpur North Lakhigagh, P.S.- Muffasil, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shivendra Prasad
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 23-08-2018

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 03.07.2018 passed by the learned Special Judge, SC/ST, Gaya in A.B.P. No.149 of 2018, arising out of Rampur Police Station Case No.226 of 2018 registered under Sections 341, 323, 379, 504 of the Indian Penal Code and Section 3 (1)(r)(s)(w) (1) and 3 (2)(v)(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The husband of the informant had taken loan from the Bank. For recovery of the loan, the Bank had issued different notices at *Annexure-4* series. The Bank had authorized *Bihar Rescue Management Consultancy Private Limited* to assist in recovery of the loan from the borrowers vide *Annexure-3*. Appellant No.1, *Abhay Kumar Mishra @ Abhay Narayan Kumar Mishra* is Recovery Officer thereat vide *Annexure-2*, whereas appellant No.2, *Vipul Kumar @ Saurabh Kumar @ Bipul Kumar* is friend of appellant No.1.

Submission is that the appellants had gone to ensure recovery and just to pressurize, the present false case has been lodged.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Finding substance in the submission of the learned counsel for the appellants, let the appellants, above named, in the event of their 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 bonds of Rs.20,000/- (Rupees Twenty Thousand) each 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

