

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.359 of 2018

Arising Out of PS.Case No. -39 Year- 2017 Thana -BALIGAON District- VAISHALI(HAJIPUR)

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1. Rupesh Kumar Thakur, Son of Bishundeo Thakur, Resident of Village-
Gannipur Manpur, P.S. Baligaon, District- Vaishali Appellant/s

Versus

1. The State of Bihar. Respondent/s

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Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Singh, Adv
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-05-2018

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 the learned 1st Additional Sessions Judge, Vaishali at Hajipur in connection with Baligaon P.S.Case No. 39 of 2017 registered under Sections 341,323,379,504 of the Indian Penal Code as well as under Sections 3(1)R-S of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the appellant had taken loan of Rs.25,000/- from the informant. When the appellant was delaying refund of the loan, on the request of the complainant, the appellant issued a receipt on the stamp paper of Rs.100/-. Thereafter, again the complainant demanded the said money from the appellant and appellant allegedly committed



abuse and assault as well as theft.

Submission is that due to the aforesaid dispute of non-refund of money and just to pressurize, the false case has been lodged. The conduct of the appellant in granting receipt subsequent to the act of receipt of money apparently shows that the appellant had no dishonest intention at the inception of dealing between the parties.

Considering the aforesaid fact, 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 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.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2018
Transmission Date	16.05.2018

