

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1547 of 2019

Arising Out of PS. Case No.-67 Year-2018 Thana- SC/ST District- Rohtas

AMRENDRA KUMAR @ AMRENDRA KUMAR SINGH Son of Late Radha Singh Resident of Village - Kumahu, P.S.- Sheosagar, Dist.- Rohtas presently at Sasaram Gajradh, ward No.- 4, P.S.- Sasaram (M), Dist.- Rohtas.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Biswanath Ram Son of Late Aanrup Ram Resident of Village - Kurtha, P.O.- Baraila, P.S.- Sheosagar, Dist.- Rohtas (Sasaram).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jai Prakash Singh, Advocate,
	:	Mr. Arti Kumari, Advocate.
For the Respondent/s	:	Mr. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 13-08-2019 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

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 14.03.2019 passed by learned 1st Additional Sessions Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 67 of 2018, registered under Sections 341, 323, 406, 420, 504, 506 of the Indian Penal Code and also under Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant is said to have taken rupees 61,000/- in cash and Rs. 39,000/- by demand draft from the informant for managing job of his son as Tola Sevak but but he did not manage the job and on demand he gave cheque of Rs.30,000/- which was bounced on its presentation in the bank and when the informant arrived at the house of the appellant and made demand of his money appellant slated him in the name of his caste.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation of slating the informant in the name of his caste levelled against the appellant is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is no evidence of giving Rs. 61,000/- to the appellant in cash by the informant. Appellant has taken only Rs. 39,000/- from the informant through bank draft for his personal need and he is ready to return the same to the informant. He has no criminal antecedent. Hence he may be enlarged on bail.

On the other hand learned Spl. P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for bail.



In the facts and circumstances of the case, the above named appellant is directed to be enlarged on provisional bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 67 of 2018, subject to condition as laid down under Section 438 (2) of the Cr.P.C. with condition that appellant shall pay the aforesaid amount to the informant by demand draft within one month and on its payment learned lower Court shall be at liberty to confirm the provisional bail of the appellant.

Accordingly, the present appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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