

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1810 of 2019**

Arising Out of PS. Case No.-80 Year-2018 Thana- SC/ST District- Jamui

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1. SUNITA DEVI Wife of Dayanand Baranwal Resident of Village - Dhobiyakura, P.S.- Jhajha, Distt - Jamui.
 2. Dayanand Baranwal Son of Gobardhan Baranwal Resident of Village - Dhobiyakura, P.S.- Jhajha, Distt - Jamui.

... .. Appellants.

Versus

1. The State of Bihar Bihar
2. Rukma Devi @ Shamili Rabidas W/o Munsu Rabidas Resident of Village- Dhobiyakura, P.S.-Jhajha, District-Jamui.

... .. Respondents.

Appearance :

For the Appellant/s : Mr.Amar Prakash
For the Respondent/s : Mrs.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 29-08-2019 Heard learned counsel for the appellants 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 16.03.2019 passed by learned 1st Additional Sessions Judge, Jamui in connection with Jamui SC/ST P.S. Case No.80 of 2018 registered under Sections 120 B, 420, 341, 323, 504 & 506 of the Indian Penal Code and Section 3(1) (r) 3 (i) (w) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant no.2 had taken the agency of Kolkata Weir Industries Limited in his own name and in the name of appellant no.1, on the persuasion of the appellants that money deposited in the said Company will be doubled. Informant deposited Rs.1,50,000.00 on different dates in the recurring and the fixed deposit accounts of the said Company against the deposit receipt. On the maturity of the aforesaid scheme, when the informant approached the appellants for his money, they avoided the same and finally when the informant along with villagers arrived at their house claiming the aforesaid money, they slated her in the name of caste and extended threatening of dire consequences.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Admittedly, appellant no.2 happens to be agent of the aforesaid Company and the informant had deposited money in the aforesaid Company in the recurring and fixed deposit scheme but the aforesaid Company winded up. Whereupon one Manager filed PIL against the Company vide C.W.J.C. No.16842 of 2014 and in which this Hon'ble



Court has directed the C.B.I. and SEBI to resolve the matter and make payment of the investors, if found payable. The appellants themselves happen to be the victims. Regarding slating the informant in the name of caste and extending threatening of dire consequence, the said occurrence is said to have been made on 11.06.2017 but the informant has lodged the complaint petition after abnormal and inordinate delay of one year regarding the aforesaid occurrence. Preceding to the aforesaid case, appellant no.2 has filed an informatory petition against the informant and others on 09.06.2017.

Learned counsel for the informant and learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Jamui in connection with Jamui SC/ST P.S. Case No.80 of 2018, subject to the condition as laid down under Section



438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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