

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3150 of 2019

Arising Out of PS. Case No.-335 Year-2018 Thana- DINARA District- Rohtas

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Avinash Pandey @ Avinash Kumar Pandey Son of Chandradev Pandey
Resident of Village - Jogini, P.S.- Dawath, District - Rohtas, at present
resident of Mohalla - Gajrarh Gaurakshani, P.S.- Sasaram Town, District-
Rohtas

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 02-08-2019 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 in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 01.07.2019 passed by learned 1st Additional
Sessions Judge, Rohtas at Sasaram in connection with Dinara
P.S. Case No.335 of 2018 registered under Sections 385 and 504
of the Indian Penal Code and Section 3(1) (r) (s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



Informant happens to be Director of Customer Service Center, Madhya Bihar Gramin Bank, Jamrorh. On the date of occurrence the appellant, who happens to be District coordinator of Sanjivani Vikash Foundation, Patna, arrived at his center and without making inspection told him that his printer is defunct and on the protest made by the informant he slated him in the name of caste and demanded Rs.50,000/- as graft and on failure to cough up the demand he locked his code.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. As a matter of fact, the appellant was directed by Regional Office, Sasaram of Madhya Bihar Gramin Bank to enquire the defunct parts of the computer after making inspection on the center of the informant and when he went to the aforesaid center and after inspection asked the informant to get the said defect removed, the informant refused for the same and misbehaved with him. Accordingly, he gave information to the Regional Office of Madhya Bihar Gramin Bank on the same day and to save skin from the said occurrence the informant has lodged this false and frivolous case with altogether concocted facts. Appellant has no criminal antecedent.



Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail 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, Rohtas at Sasaram in connection with Dinara P.S. Case No.335 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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