

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3300 of 2019**

Arising Out of PS. Case No.-309 Year-2019 Thana- RAJIVNAGAR District- Patna

Mithilesh Kumar, Son of Gaya Ram, a resident of Village- Jalalpur, P.S.-
Lalganj, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant	:	Mr.Arvind Kumar Mouar, Advocate
For the State	:	Mr.Binay Krishna, APP
For the Informant	:	Mr. Madan Mohan, Advocate

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER**

7 26-11-2019 Heard learned counsel for the appellant and the

learned counsel for the State as well as the learned counsel for

the informant.

The appellant Mithilesh Kumar has preferred the
present appeal under Section 14(A) of the S.C./S.T. Act against
the refusal of prayer for anticipatory bail, vide order dated
11.07.2019 passed by learned Additional District & Sessions
Judge-XIII I/C Special Judge, SC/ST, Patna in A.B.P. No.5052
of 2019 in connection with Special Case No.287 of 2019 arising
out of Rajiv Nagar P.S. Case No.309 of 2019 registered under
Sections 406, 409, 417, 419, 420, 420B, 467, 468, 471, 504,
506/34 of the I.P.C. and Sections 3(i)(r) and 2(v) of the SC/ST
Act.



Learned counsel for the appellant submits that the entire allegation is false and frivolous and if at all any money had exchanged hands it was between one Shailendra Kumar and not the present appellant.

A bare perusal of the details of the payments made clearly reveals that the candidates who had deposited money were all in the account of one Shailendra Kumar either in the HDFC Bank or in the Axis Bank, but there is nothing on record to indicate that the present appellant had also received any money from the allegationists. Learned counsel for the appellant further submits that the provisions of S.C. & S.T. Act have been introduced only to make the charge graver and draw the appellant into the web of prosecution and put him behind bars.

Learned counsel for the informant submits that so far the role of the appellant Mithilesh Kumar is concerned, it is he who was instrumental in making Yuwaraj Mahto meet with Krishna Rai Kumar to whom the money had been given by the informant.

Having perused the entire records of the case and having considered the submissions of the appellant, it appears that there is a distinct cloud on the prosecution story.

In view of the aforementioned facts and



circumstances, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge- XIII Cum I/C Special Judge, SC/ST, Patna, in connection with Special Case No.287 of 2019 arising out of Rajiv Nagar P.S. Case No.309 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In the result, the appeal is allowed and the impugned order dated 11.07.2019 is set aside.

(Anjana Mishra, J)

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