

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3641 of 2019**

Arising Out of PS. Case No.-8 Year-2019 Thana- SC/ST District- Gaya

Jitendra Pathak, son of Yogendra Pathak, resident of village Tali, P.S. Kurtha,
District Arwal.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nand Gopal Mishra
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

3 24-09-2019 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 06.07.2019 passed by learned Exclusive
Special Judge SC/ST Act, Gaya in connection with Gaya SC/ST
P.S. Case No. 08 of 2019 registered under Sections 341, 323,
417, 418, 419, 420, 465, 467, 468, 120 B & 34 of the Indian
Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with other accused persons



hatching conspiracy got an agreement prepared showing the informant as guarantor in the loan allegedly taken by one Munna Gupta. Thereafter, they filed arbitration case against them and got the arbitration case decreed *ex parte* and filed the execution case on the basis of the said award and on getting knowledge of the same when the informant made the protest co-accused Munna Gupta slated him in the name of his caste and slapped him.

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 merely because he happens to be an employee of Sri Ram Transport Company Limited from whom the said Munna Gupta had taken the loan and the appellant was guarantor and against whom the said Transport Company has lodged arbitration case which was decreed and on the basis of the said award the said Company has filed the execution case against the informant and another. This false and frivolous case has been lodged against the appellant only with a view to harass him. 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 Exclusive Special Judge SC/ST Act, Gaya in connection with Gaya SC/ST P.S. Case No. 08 of 2019, 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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