

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3599 of 2019

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

VIKASH KUMAR Son of Vijay Kishore Prasad Resident of Mohalla -
Maranpur, P.S.- Vishnupad, Distt - Gaya – 823001 Appellant/s
Versus

1. THE STATE OF BIHAR
 2. Dilip Kumar Son of Kedar Prasad Resident of Village - Kanausi, P.S.-
Konch, Distt - Gaya.
- Respondent/s

Appearance :

For the Appellant/s : Mr.Dayanand Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 20-11-2019 Heard learned counsel for the appellant as well as
learned Special P.P.

Gone through the record. The gist of the allegation as is evident from the complaint petition which has been referred to concerned police station for registration and investigation in accordance with Section 156 (3) of the CrPC speaks about dispute relating to hypothecation wherein one Munna Gupta got a vehicle and during course thereof, complainant/informant, Dilip Kumar shown to be a guarantor. It has also been averred that an award was passed ex parte and, execution proceeding is going on before the Sessions Judge. It has also been incorporated that accused no. 2 to 6 including the appellant have had their appearance over page no. 24 of the deed of hypothecation and then, there happens to be allegation against Md. Taslim that he acted as a broker during course of facilitating purchase of vehicle by the complainant from TATA MOTORS



and during course thereof, he succeeded in getting his signatures on so many papers, blank cheques and on query, he abused calling his caste name as well as, it has also been incorporated that on 09.05.2017, he along with others (unknown) came and assaulted the complainant.

Certainly, allegation does not justify the applicability of SC/ST (POA) Act, more particularly, relating to appellant and that being so, considering the principle decided by the Hon'ble Apex Court followed by the High Court in the case of *Bishewshar Mishra v. State of Bihar* reported in *2016(4) PLJR 1058*, appellant, Vikash Kumar, in the event of arrest/surrender within two weeks, is directed to 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 Exclusive Special Judge, SC/ST, Gaya arising out of SC/ST PS Case No. 08/2019 subject to the condition as laid down under Section 438(2) of the CrPC.

Thus, appeal is allowed.

(Aditya Kumar Trivedi, J)

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