

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4071 of 2019**

Arising Out of PS. Case No.-155 Year-2010 Thana- WARISNAGAR District- Samastipur

Sudhir Kumar Deo @ Deo Jee Son of Late Ramdeo Prasad Deo Resident of
Mohalla - Bahadurpur, P.O. and P.S.- Samastipur, District - Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar Singh
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

3 23-10-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 26.08.2019 passed by learned 1st Addl. Sessions
Judge, Samastipur in Waris Nagar P.S. Case No. 155 of 2010
registered under Sections 419, 420, 467, 468, 471 of the Indian
Penal Code and Sections 3(X) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Co-accused Awadhesh Prasad and Arjun Ram are
said to have withdrawn Rs. 85,500/- from the account of son of
the informant in collusion of the appellant, who happens to be



Branch Manager of the Bank. When the informant approached the appellant to make complain, he made him to leave his office slating him in the name of his caste.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case merely because he was Branch Manager of Branch, Dhurlakh at the time of filing complaint petition. Earlier, he was posted in Circle Office, Patna and he was transferred to the said Branch, Dhurlakh on 14.05.2010 and was relieved from the Circle Office, Patna on 29.05.2010 i.e. much later to the date of occurrence. As he was not posted in the said Branch on 7.05.2010 or on the earlier occasion, there was no question of collusion of the appellant in withdrawal of cheque by the accused persons and slating the informant in the name of his caste at the hand of the appellant. There is inordinate and abnormal delay of three months in filing the complaint petition without assigning any plausible and convincing explanation for the said delay. Appellant has no criminal antecedent. Similarly situated co-accused, namely, Awadhesh Prasad and Arjun Ram have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 7.11.2017 passed in Cr. Appeal (SJ) No.



2752 of 2017.

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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Samastipur in Waris Nagar P.S. Case No. 155 of 2010, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

