

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4115 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- SC/ST District- Araria

MD. MOIN, aged about 40 years, Son of Md. Mohram Resident of Village-
Parmanandpur, P.S.- Raniganj, District- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Naushad Uzzoha, Adv.
For the Respondent/s : Mr.Usha Kumari 1 (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 16-11-2019 Heard the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for anticipatory bail by order dated 17.08.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in connection with A.B.P. N0. 1449 of 2019 in connection with Special (SC/ST.) P.S. Case No. 26 of 2019 arising out of Araria SC/ST P.S. Case No. 15 of 2019, registered under Sections 420, 467, 468 of the Indian Penal Code and Section 3(i)(d)(p) of SC /ST Act.

Informant has filed a complaint case in the court of C.J.M. Araria being Complaint Case no. 2315 (C) of 2018 in which appellant who was the Chairman of PACS has been made accused. Complaint was registered by the learned court below



and referred under Section 156(3) of Cr.P.C. to the police for institution of case upon which F.I.R. was lodged.

It has been stated in the complaint that accused had taken an amount of Rs. 500/- to provide him loan for purchase of buffalo however, no loan was ever sanctioned to him subsequently in the year 2018 new PACS Chairman informed him that he has to repay the loan although informant has stated that he was never sanctioned any loan.

It has been submitted on behalf of appellant that he is innocent and has basely falsely implicated in this case. The loan was sanctioned in the year 1995 whereas he was Chairman of PACS for the period 2006-09. Allegation in order to constitute offence under SC/ST Act is general and omnibus and not specific. Appellant has no criminal antecedent.

Considering the facts and circumstances of the present case, let appellant, above named, in the event of arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions :

(1) Bailors should be local having sufficient immovable



property within the jurisdiction of the court concerned.

(2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

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

(S. Kumar, J)

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