

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4085 of 2019

Arising Out of PS. Case No.-192 Year-2019 Thana- PAHARPUR District- East Champaran

ANIL PANDEY @ ANIL KUMAR PANDEY Son of Sakaldev Pandey
Resident of Balua Tal, P.S.- Motihari Town, District- East Champaran,
Motihari.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashi Bhushan Pandey
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

3 30-09-2019 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 11.09.2019 passed by learned 1st Additional
Sessions Judge cum Special Judge SC/ST Act, East Champaran
at Motihari in connection with Paharpur P.S. Case No. 192 of
2019 registered under Sections 406 & 420/34 of the Indian
Penal Code and Section 3(1) (r)/ 3 (2) (va) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant being the Ward Member was to execute



Chief Minister Nal Jal Yojana for which the allotment has been made. Co-accused Arjun Ram and Dinesh Lal Srivastava convinced him to get the aforesaid work carried out by Om Trader and trusting upon them he gave a cheque of Rs.4 lacs to co-accused Dinesh Lal Srivastava in the name of Om Traders who after depositing the said cheque in the account of the said firm they withdrew the same. Subsequently, Dinesh Lal Srivastava along with other accused approached him and Dinesh Lal Srivastava received a cheque of Rs.6 lacs for carrying out the rest of the work in the name of Jagdamba Traders and depositing the aforesaid cheque in the account of the said firm Dinesh Lal Srivastava withdrew the same but he carried out work of only Rs.2 lacs and on demand of rest of the money by the informant all the three named accused persons including the appellant slating him in the name of his caste assaulted him by means leg and slipper.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He happens to be partner of the M/s Om Traders who runs the business of hardware and on getting Rs. 4 lacs through cheque appellant provided hardware worth Rs. 5,71,035/- on 07.07.2018 i.e. a year preceding to the lodging of the F.I.R.



Appellant was not to carry out the aforesaid work and he has no concern with the other accused persons and rest of the money taken by them. Appellant has not received Rs. 6 lacs from the informant. Other allegation levelled against the appellant is super addition just to make the offence serious against him. There is inordinate and abnormal delay of 19 days in lodging the F.I.R. without assigning any plausible explanation for the said delay. He has no criminal antecedent. Co-accused Arjun Ram has been enlarged on bail by this court vide order dated 26.09.2019 passed in Cr. Appeal (SJ) No. 4028 of 2019.

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 1st Additional Sessions Judge cum Special Judge, SC/ST Act, East Champaran at Motihari in connection with Paharpur P.S. Case No. 192 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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