

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1815 of 2020

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

RAKESH RANJAN DUBEY S/o Prabhu Nath Dubey R/o Vill.-Hajiyapur,
Ward No.-9, P.O.and P.S.-Gopalganj, Distt.-Gopalganj

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nagendra Rai, Advocate
For the Respondent/s : Mrs. Usha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the appellant and Mrs. Usha Kumari, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 16.08.2019 passed by the 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Gopalganj in Anticipatory Bail Petition No. 1261 of 2019 arising out of Gopalganj SC/ST P.S. Case No. 8 of 2019 registered under Sections 341, 323, 420, 504 and 506 of the Indian Penal Code and Sections 3(i) (r) (5) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby and



whereunder the prayer of the appellant for grant of anticipatory bail has been refused.

The allegation is regarding the appellant herein having taken a sum of Rs. two lakhs from the informant and subsequently he had given two cheques of Rs. one lakh each drawn on State Bank of India, but both cheques had bounced on account of insufficient funds. It is further alleged that the informant had again asked the appellant to refund his money whereupon the appellant had refunded a sum of Rs. 70,000/- to the informant, however, he did not return the balance amount.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the appellant has further submitted, by referring to the FIR in question, that there is no allegation of the appellant having taken any caste specific name for the purposes of abusing the informant, hence no offence is made out Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. It is also submitted that the appellant is ready to deposit a sum of Rs. 1,30,000/- (Rs. one lakh thirty thousand) before the Nazarat of the learned court below in order to show his bona fide.



Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the fact that the FIR does not depict that any caste specific name has been taken by the appellant to abuse the informant, prima facie this Court finds that no offence is made out under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. In view of the fact that the appellant is ready to deposit the balance amount of Rs. 1,30,000/- with the Nazarat of the learned court below, this Court deems it fit and appropriate to direct for release of the appellant on anticipatory bail subject to him depositing a sum of Rs. 1,30,000/- before the Nazarat of the learned Civil Court at Gopalganj (Bihar) and producing the receipt thereof before the learned court of the Additional Session Judge-1st -cum-Special Judge, SC/ST, Gopalganj in connection with Gopalganj SC/ST P.S. Case No. 8 of 2019 and further subject to such conditions as may be deemed fit and proper to be imposed by the learned court below.

Consequently the impugned order dated 16.08.2019 passed by the 1st Additional Sessions Judge-cum-Special Judge,



SC/ST, Gopalganj in Anticipatory Bail Petition No. 1261 of 2019 arising out of Gopalganj SC/ST P.S. Case No. 8 of 2019 is set aside.

The Appeal stands disposed off on the aforesaid term.

(Mohit Kumar Shah, J)

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