

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1861 of 2019**

Arising Out of PS. Case No.-32 Year-2019 Thana- SC/ST District- Araria

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Ajay Kumar Sinha, Son of Late Suresh Prasad Sinha, R/o Village-Vasitpur
Chakasturi P.O.-Vasitpur Chakasturi, P.S.-Deshri District-Vaishali, State-Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2.Suresh Paswan, Son of Late Sudim Lal Paswan, R/o Dhila Mohan, Ward
No.1, P.S.-Simraha, District-Araria.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rohit Mishra, Adv
For the Respondent/s : Mr.Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

10 03-02-2020 Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for anticipatory bail
by order dated 14.03.2019 in A.B.P. No.521 of 2019 passed by
the learned 1st Additional Sessions Judge, Araria in connection
with Special SC/ST Case No. 53 of 2019 arising out of Araria
SC/ST P.S.Case No.32 of 2019 registered under Sections
420,485,467,468,323,504 of the Indian Penal Code as well as
under Sections 3(i)(R) of the Scheduled Castes and Scheduled
Tribes Act.

Notice on respondent No.2 has validly been served.

No one appears on behalf of respondent No.2.



Appellant is Manager of the Central Bank of India. The complainant had opened a Saving Bank Account and taken loan from the Bank. Son of the complainant had also an account in the same Bank and allegation is that money was withdrawn from the account of the son by the appellant.

Submission is that false case was lodged just to pressurize for non-refund of the loan. If such frivolous allegation would be allowed the official would be put in difficulty to function independently.

Considering the nature of dispute which is not for the reason that complainant is a member of the scheduled caste, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.



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

(Birendra Kumar, J)

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