

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3689 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- SC/ST District- Muzaffarpur

=====

BIRENDRA KUMAR DUBEY @ BIRENDRA PRASAD DUBEY Son of
Shiv Prasad Dubey Resident of Village - Pipara Asli, P.S.- Sahebganj,
District- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3738 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- SC/ST District- Muzaffarpur

- =====
1. PUSHPA SHARMA W/o Saroj Prasad Sharma @ Saroj Sharma Resident of
Village- Jasauli, P.S.- Kathaiya, District- Muzaffarpur.
 2. Navneet Sharma @ Satya Prakash Kumar @ Navneet Kumar Son of Saroj
Prasad Sharma @ Saroj Sharma Resident of Village- Jasauli, P.S.- Kathaiya,
District- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3689 of 2019)

For the Appellant/s : Mr.Amit Kumar Jha

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 3738 of 2019)

For the Appellant/s : Mr.Amit Kumar Jha

For the Respondent/s : Mr.Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 14-02-2020 Heard learned counsel for the parties.

Aforesaid appeals are under Section 14(A)(2) of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 against the refusal of prayer for



anticipatory bail vide order dated 22.07.2019 passed by the learned Addl. Sessions Judge-XIII cum Special Judge (SC/ST Act), Muzaffarpur in A.B.P. No. 2120 of 2019 and 2200 of 2019, arising out of SC/ST P.S. Case No. 04 of 2019 registered under Sections 120B, 406, 420, 467 and 468/34 of the Indian Penal Code and Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant Birendra Kumar Dubey was Manager of North Bihar Gramin Bank. Allegation is that appellant Pushpa Sharma induced the complainant and others to form a self-supporting group and to get loan from the Bank to start small scale business. Further allegation is that in the transaction, complainant and others were cheated by the appellants.

Learned counsel for the appellants submits that in fact loan was sanctioned in favour of different consumers including the complainant. A part of the loan amount was refunded. However when notice was sent demanding for refund of the remaining loan amount to avoid legal action, complaint based F.I.R. has been lodged.

Considering the submission aforesaid and the fact that no case is made out under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, let the appellants, above



named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the 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 Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellants 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 appellants.

(c) The appellants shall not leave the country without permission of the trial Court.

Accordingly, the impugned orders are set aside and the appeals are allowed.

(Birendra Kumar, J)

mantreshwar/-

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

