

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4511 of 2019**

Arising Out of PS. Case No.-465 Year-2017 Thana- KATIHAR District- Katihar

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RUPESH KUMAR @ RUPESH KUMAR YADAV Son of Yoagendra Prasad  
Yadav Resident of Village - Maranga, P.S.- Maranga, District - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Devi Late Brahamdeo Harizan W/O- Late Brahamdeo Harizan, R/O -  
Old Hospital Para, P.S- Katihar, District - Katihar.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Praveen Kumar Agrawal, Advocate.  
For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      14-02-2020                      Heard learned counsel for the parties.

This is an appeal 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 21.09.2019 by the learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge, Katihar in A.B.P. No. 83 of 2019, arising out of Katihar Town P.S. Case No. 465 of 2017 registered under Sections 406, 420 and 120B of the Indian Penal Code, Section 138 of the Negotiable Instrument Act and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

A perusal of the complaint based allegation reveals



that entire differences between the parties arise out of purchase of a four-wheeler by the complainant from the accused persons. Complainant had paid Rs. 4,00,000/- (rupees four lacs) in cash and the remaining amount was to be paid to the Financer who was having loan on the vehicle concerned.

Learned counsel for the informant opposed the prayer for anticipatory bail.

However, the entire allegation does not reveal that the occurrence took place for the reason that the complainant was a member of the scheduled caste rather it took place due to transaction of sale and purchase of vehicle which could not be materialized for whatever reason may be. Moreover, the bonafide of the complainant in payment of Rs.4,00,000/- in cash is also not acceptable for consideration of prayer for anticipatory bail. Hence, prayer for anticipatory bail is allowed.

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 bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) 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 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.

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

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

The trial Judge shall not be prejudiced by any of the observation made in this order.

**(Birendra Kumar, J)**

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