

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.518 of 2020**

Arising Out of PS. Case No.-40 Year-2019 Thana- SC/ST District- Araria

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SANAULLAH @ MOHAMMAD SANAULLAH S/o Md. Sohrab @
Mohammad Sohrab Alam, Resident of Village- Hariyabara, Ward No.6, P.S.-
Araria R.S. (O.P.), Distt- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Gopal Kumar Jha, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

4 15-03-2021 Heard learned counsel for the appellant and learned
Special P.P.

The appellant filed I.A. No.01 of 2021 for condoning
the delay in filing the appeal for grant of anticipatory bail.

Having considered the reasons shown, the delay is
condoned. Accordingly, I.A. No.01 of 2021 is allowed.

The appellant filed this appeal under Section 14A(2)
of the SC/ST (POA) Act against the order dated 14.10.2019
passed in A.B.P. No.2048 of 2019 by which the learned Special
Judge, Araria rejected the prayer for grant of anticipatory bail of
the appellant in Special (SC/ST) Case No.66 of 2019 arising out
of Araria (SC/ST) P.S. Case No.40 of 2019 registered under
Sections 341, 323, 504, 506 and 34 of the I.P.C. and under



Section 3(i)(r) of the SC/ST Act.

The informant alleged that he lent Rs.1 lakh to Sanaulla (appellant) for purchasing the land on 15.02.2019. Sanaulla and others came to the darwaza of the informant, abused the informant by naming his caste only because the informant demanded his money.

Learned counsel for the appellant submits that the appellant has not taken any money from the informant. On petty dispute, the informant lodged the case implicating the appellant and other family members of the appellant. The police during course of investigation directed the appellant to appear before the Court and gave privilege under Section 41(1) of the Cr.P.C. The informant lodged the case after much delay. According to him, there was a panchayati but the dispute could not be resolved.

Learned Special P.P., however, opposed the prayer for anticipatory bail.

Having considered the submissions and the facts, it is apparent that the informant himself disclosed that he lent money to the appellant and thereafter some dispute arose between the two sides for lending and paying of money. A Panchayati was also held but the same could not be resolved. On account of



such, the informant lodged the case belatedly.

Taking into consideration the facts aforesaid, the order dated 14.10.2019 is set aside. The appeal is allowed. The appellant above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Special (SC/ST) Case No.66 of 2019 arising out of Araria (SC/ST) P.S. Case No.40 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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