

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.722 of 2020**

Arising Out of PS. Case No.-121 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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PHUL HASAN @ MD. PHUL HASAN Son of Harun Ansari Resident of
Village - Bikrampur Bande, P.S.- Muffasil, Distt - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Binod Kumar @ Binod Kumar Mahto Son of late Parmeshwar Mahto
Resident of Village - Chakhaidar, P.S.- Tajpur, District - Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Jitendra Narain Sinha
For the Respondent/s : Mr.Sadanand Paswan

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

3 10-03-2021 Heard both sides.

The appellant filed this appeal under Section 14(A)(2) of the S.C./S.T. Act against the order dated 22.01.2020 passed by learned 1st Additional Sessions Judge, Samastipur by which the anticipatory bail of the appellant has been rejected in Trial No.985 of 2020 arising out of Complaint Case No.121 of 2017 registered under Sections 147 and 323 of the Indian Penal Code and under Section 3(1)(r)(s)(w)/3(2)(va) of the S.C./S.T. Act.

The complainant alleged that while he was returning to his house along with his wife and when he reached near Motipur Tajpur Sabji Mandi, all the accused persons surrounded him and assaulted the complainant by naming his caste and also snatched money and ornaments from the possession of the complainant and his wife.

The learned counsel for the appellant submits that in fact the complainant had taken loan of Rs.40,000/- from the



appellant on assurance to return the money within two weeks with interest thereon. The appellant sent legal notice to the complainant and only thereafter the complainant filed this case making false and frivolous allegation.

Mr. Binay Krishna, learned Special P.P. submits that there appears some dispute between two sides for lending and borrowing of money.

Taking into consideration the facts aforesaid and nature of allegation made against the appellant, the appeal is allowed, the order dated 22.01.2020 is set aside and let the appellant, above named, in the event of his arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Samastipur or successor in office in connection with Trial No.985 of 2020 arising out of Complaint Case No.121 of 2017, 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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