

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1062 of 2020

Arising Out of PS. Case No.-297 Year-2015 Thana- AURANGABAD TOWN District-
Aurangabad

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1. ABHINASH KUMAR SINHA @ ABHINESH KUMAR SINHA @ ABHNIESH KR. SINHA Son of Sri Ajit Kumar Sinha Resident of Village - Etwara, P.S.- Ramgarh, District - Palamu (Jharkhand)
 2. K.K. Vishwakarma @ Kamal Kumar Vishwakarma @ Kamal Kr. Vishwakarma Son of Jaipal Lohar R/o - Ranka Tola, Poredhara, P.S.- Hajaribagh, District - Hajaribagh (Jharkhand)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Singh
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-02-2021 Heard learned counsel for the appellants and learned
counsel for the State.

The appellants have challenged the order dated 13.02.2020 passed by learned 1st Additional District and Sessions Judge-cum- Special Judge, (SC/ST) Aurangabad in ABP No. 197/2020 in connection with Town P.S. Case No. 297/2015 registered for the offences under sections 420, 467, 468, 34 of the Indian Penal Code and 3(1)(xi) of SC/ST Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused



persons embezzled the money of the depositors which has been got deposited by by the complainant and when the complainant asked for that, she has been abused and misbehaved by taking her caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The present case has been instituted on the basis of a complaint case. No wrongful gain has been made on the part of the appellant. The other co-accused persons have been granted anticipatory bail by a Coordinate Bench of this Court. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 13.02.2020 passed by learned 1st Additional District and Sessions Judge-cum- Special Judge, (SC/ST) Aurangabad in ABP No. 197/2020 in connection with Town P.S. Case No. 297/2015 by which the



anticipatory bail of the appellants was rejected.

Let the appellants above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of 1st Additional District and Sessions Judge-cum- Special Judge, (SC/ST) Aurangabad in connection with Town P.S. Case No. 297/2015.

The appeal stands allowed.

(Sudhir Singh, J)

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