

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2049 of 2020

Arising Out of PS. Case No.-178 Year-2019 Thana- AKHODHIGOLA District- Rohtas

1. RAHUL KUMAR @ BRAJESH SINGH @ BRAJESH KUMAR Son of Vikram Singh Resident of Village- Mahuli Konar, P.S.- Shiv Sagar, District- Rohtas at Sasaram and Proprietor of Piyush enterprises.
2. Vikash Singh Son of Vijay Kumar @ Vijay Kumar Singh Resident of Village- Uchitpur, P.S.- Sasaram (Muffasil), District- Rohtas at Sasaram and Proprietor of Piyush enterprises.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shyam Bihari Singh
For the Respondent/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-01-2021 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 31.08.2020 passed by learned 1st Additional District and Sessions Judge, Rohtas at Sasaram, in connection with Akodhigola P.S. Case No. 178 of 2019 under Sections 161, 162, 164, 166, 171, 172, 406, 409, 465, 467, 468, 506, 509 and 34 of the Indian Penal Code and section 3 (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

Prosecution case in brief is that informant who is



ward member of ward no. 3 and other ward members were entrusted to do the work of Nal-Jal Yojna and for execution of work, the Mukhiya of concerned gram panchayat used to deposit the government money in the account of ward member. It is further alleged that Dharmsheela Devi Mukhiya and her husband Shambhu Gupta and Sona Lal Singh Panchayat Sachiv by putting pressure upon the informant forcibly took his signature on the blank cheque and defalcated the government money. On being protested by the informant, all the accused persons abused him by calling his caste name and also threatened him of dire consequence.

It is submitted on behalf of the appellants that allegation of misappropriation of government money is against the Mukhiya, her husband and other office bearers. Appellants are merely owner of Piyush enterprises which is alleged to be executing the work in question. No case under SC/ST Act is made out. Appellants have got clean antecedent.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 31.08.2020 passed by learned 1st Additional District and Sessions Judge, Rohtas at Sasaram, is set aside.

Let the appellants above-named, in the event of their



arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Rohtas at Sasaram in connection with Akodhigola P.S. Case No. 178 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Singh, J)

vinita/-

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