

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.870 of 2022**

Arising Out of PS. Case No.-222 Year-2019 Thana- KARPI District- Jehanabad

Sanjeet Kumar Pandey S/O Shiv Kumar Pandey, R/o village- Rampur Chai,
P.S.- Karpi Sahar Telpa O.P., Distt.- Arwal

... .. Appellant/s

Versus

1. The State of Bihar.
2. Yogendra Kumar Late Ram Naresh Ram R/V - Khajury Mahesh, P.S.-
Tandawa , District-Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar No1, Advocate
For the Respondent/s : Mr. Binay Krishna, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 24-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Vide order dated 19.07.2022, the notice was issued to
the respondent no.2 under both process. As per office report
dated 10.10.2022 notice was received by sister-in-law (Bhabhi)
of the respondent no.2.

Learned counsel for the appellant submits that he has
filed jointness petition and stating therein that respondent no.2
and sister-in-law is living in same premises.

This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for anticipatory bail
by order dated 13.01.2022 in A.B.P. No. 1321 of 2021 passed by



the learned Additional District and Sessions Judge-I, Jehanabad in connection with Karpi (Sahar Telpa) P.S. Case No. 222 of 2019 registered under Sections 341, 323, 504, 506 and 353 of the Indian Penal Code and Sections 3(I)(5) SC/ST Act, 1989.

As per prosecution case, in brief, is that the informant Yogendra Kumar the Branch Manager of Punjab National Bank (Belkhara Branch), submitted his written application before the S.H.O. of Karpi police station alleging therein that on 30.10.2019, when he was engaged in his usual banking works, the accused/appellant Sanjeet Kumar Pandey who is a Operator of C.S.P. (Punjab National Bank), came there and submitted an application to him regarding fraudulent withdrawal from a customer's account. It is alleged that when the informant demanded the passbook of said customer, the accused/appellant got infuriated and started assaulting him by means of fists and slaps resulting which, the informant sustained injuries over his eyes and face. It is further alleged that the accused/appellant abused the informant by calling with his caste name and also threatened to kill him.

Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the



appellant is the operator of Customer Service Point (CSP) in Punjab National Bank, Belkhara and the informant is Branch Manager of Punjab National Bank of the same Branch. He further submits that the allegation as alleged in the F.I.R. is that appellant abused the informant by taking caste name. He further submits that in fact no such occurrence took place and appellant has falsely been implicated in the present case.

The learned Special Public Prosecutor has vehemently opposed the prayer for bail of the appellant.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

Considering the aforesaid facts and circumstances, let the appellant, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory 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 Court below where the case is pending in connection with Karpi (Sahar Telpa) P.S. Case No. 222 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Appellant shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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