

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2449 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- KATIHAR NAGAR District- Katihar

SANJAY KUMAR S/o Sri Maheshwari Prasad Deputy General Manager (B and O), State Bank of India, Administrative Officer, 2nd floor, Bhawesh Bhawan, S.M. College Road, Chhoti Khanjarpur, Bhagalpur 812001

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Chitranjan Sinha, Senior Advocate Mr. Amarjeet Choudhary, Advocate
For the Informant	:	Mr. Bajrangi Sharan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-04-2022 Heard Mr. Chitranjan Sinha, learned senior counsel assisted by Mr. Amarjeet Choudhary for the appellant, Mr. Bajrangi Sharan, learned counsel for the informant and Mrs. Usha Kumar-1 learned Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail



vide order dated 02.03.2021 passed by learned 1st Additional Sessions Judge cum Special Judge, Katihar in connection with Katihar Town P.S. Case No. 4 of 2021 registered under Sections 420, 384 and 34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that even though the house of the informant was taken on rent by the State Bank Branch, but because of the persistent illegal demand of the appellant along with other co-accused and the refusal of the informant to oblige, efforts were made to vacate the house of the informant and shift the Branch to some other building.

It is submitted by learned senior counsel for the appellant that the accusation is absolutely false and on face of it does not make out any case under the SC/ST (POA) Act. From bare perusal of the F.I.R., it appears that appellant has not abused the informant by taking his caste name, hence no offence under SC/ST Act is made out against the appellant. It is further submitted that the appellant is not responsible for choosing the building on rent for running the Branch. This is managed by the house-keeping Division of the Main Branch and thus the appellant cannot be blamed for the same. So far allegation of



extortion and harassment by the appellant is totally concocted and made with ulterior motive. It is also submitted that as a matter of fact, the dispute, if any, between the parties is purely civil in nature. Similarly situated co-accused, namely, Ravi Anand has been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Appeal (SJ) No.2541 of 2021 vide order dated 16.07.2021. Appellant has no criminal antecedent.

Learned Spl. PP for the State assisted by learned counsel for the informant opposing the prayer for bail submitted that considering the nature of the allegations, appellant does not deserve for anticipatory bail. It is further submitted that the co-accused, who has been granted anticipatory bail by a co-ordinate Bench of this Court, belongs to SC/ST category.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Katihar in connection with Katihar (Town) P.S. Case No.4 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

