

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2168 of 2022

Arising Out of PS. Case No.-59 Year-2020 Thana- SC/ST District- Vaishali

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CHANDAN KUMAR @ CHANDAN MAHTO S/o Sukhdev Mahto Resident
of Village - Rasulpur Turki, Post- Asoi, P.S.- Bhagwanpur, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jaymangal Ram S/o Tapeswar Ram Resident of Village - Bithauli, P.S.-
Bhagwanpur, District - Vaishali.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Subodh Kumar
For the Respondent/s	:	Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE NAWN 29.07.2021 EET
KUMAR PANDEY

ORAL ORDER

2 26-09-2022 Learned counsel for the appellant is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the appellant and learned
counsel for the State.

This appeal has been preferred on behalf of the
appellant under Section 14-A (2) of the SC & ST (Prevention of
Atrocities) Act for setting aside the order dated 24.05.2022 in
connection with SC/ST P.S. Case No. 59 of 2020, registered for
the offences punishable under Sections 341, 323, 420 and 504 of
the Indian Penal Code and Sections 3(1) (r) (s) of SC and ST
(Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of the appellant has been rejected.

As per allegation, the appellant took Rs. 5000/- from
the informant at the assurance to provide him money under
Awas Yojana. When the informant did not receive money, he
demanded back Rs. 5000/- and his documents, to which the
informant denied to return and also abused him by calling his
caste name.



The learned counsel for the appellant has submitted that the appellant is innocent and the occurrence did not take place due to malicious feeling of caste. He has further submitted that the appellant is ready to refund the money, as mentioned in the FIR.

It appears that the police has given the benefit to the appellant under Section 41 (1) of the Cr.P.C.

In view of aforesaid this appeal is not maintainable.

The appellant is directed to surrender in the court below and make a prayer for regular bail which shall be disposed of by the court below on the same day on its own merit without being prejudiced by this order.

Office shall ensure that all the defects are removed by the appellant within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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