

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1098 of 2021**

Arising Out of PS. Case No.-8 Year-2019 Thana- SC/ST District- Darbhanga

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MOHAMMAD ALI HASAN Son of Usman Kujra Resident of Village -
Putai, P.S. - Manigachi, District - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Y.C. Verma, Senior Advocate Ms. Priyanka Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For Com./Informant	:	Mr. Kedar Jha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 26-04-2023 Heard Mr. Y.C. Verma, learned Senior Counsel

assisted by Ms. Priyanka Singh for the appellant, learned

Special Public Prosecutor for the State as well as learned

counsel appearing on behalf of the complainant/informant.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act')
against the refusal of prayer of anticipatory bail vide order dated
14.12.2020, passed by learned Additional Sessions Judge-Ist-
cum-Special Judge, Darbhanga in connection with Darbhanga
S.C./S.T. P.S. Case No.08 of 2019, registered under Sections
341, 467, 468, 471, 420, 406, 504, 506 of the Indian Penal Code
and Sections 3 (i) (r) of the SC/ST Act.



As per FIR, informant is Ward Member of Mahthaur Panchayat and appellant is Ward Secretary of the same ward. It is alleged that informant handed over a cheque of Rs.10,000/- for work of Sat Nishchay Yojna in presence of witnesses. It is further alleged that the appellant manipulated zero in the cheque and withdrew Rs.1,10,000/- in his favour. It is further alleged that the appellant abused the informant by naming his caste.

Learned Senior Counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got one criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that no specific overt act is alleged against the appellant. Learned Senior Counsel for the appellant further submits that as a matter of fact, as per resolution of Ward Krinayan and Prabhand Samitee all the equipment for boarding was purchased from M/s Kumar and Brothers and his dues amount was Rs.1,10,135/- as per bill and the said cheque was issued by the said Samitee over which informant has signed as a President and this appellant as a Secretary.

Learned Special P.P. for the State as well as learned counsel for the complainant/informant opposed the prayer for



grant of anticipatory bail to the appellant and submitted that cognizance has already been taken against the appellant, therefore, the appeal is not maintainable. Learned counsel for the complainant/informant relies upon the judgment of the Hon'ble Supreme Court passed in the case of Bachu Das Vs. State of Bihar and others, reported in (2014) 3 SCC 471.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the appellant on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to the appellant is hereby rejected.

The appeal is dismissed.

However, if appellant surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of the appellant preferably on the same day without being prejudiced by this order of rejection.

(Anjani Kumar Sharan, J)

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