

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1507 of 2023**

Arising Out of PS. Case No.-771 Year-2022 Thana- FATEHPUR District- Gaya

Sanjay Kumar Son of Sukhdeo Prasad @ Sukhdeo Yadav R/V- Dumri Chatti,  
PS- Fatehpur Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Shankar Manjhi Son of Late Shukar Manjhi R/V- Halmata Tola, Barsauna,  
PS- Fatehpur Dist- Gaya

... .. Respondent/s

**Appearance :**

|                          |   |                         |
|--------------------------|---|-------------------------|
| For the Appellant/s      | : | Mr.Rakesh Singh         |
| For the respondent no. 2 | : | Mr.Shailesh Kumar       |
| For the Respondent/s     | : | Mr.Binay Krishna Spl PP |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      19-07-2023                      Heard counsels for the parties.

2. The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 08.02.2023 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Fatehpur P.S. Case No. 771 of 2022 under Sections 419, 420 of the Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

3. As per the prosecution case, this appellant along with other co-accused persons in the name of providing job of planting trees took voter ID as well as affidavit and thumb



impression for opening job card, but instead of opening job card, they took loan of Rs. 25,000/- from Magadh Gramin Bank against names of 46 job aspirants and thus cheated the informant and others.

4. It is submitted on behalf of the appellant that the alleged loan was taken by the informant and others in the year 2014 and when notice was issued by the appellant and others, this false and concocted case has been lodged after eight years of the occurrence. At no point of time, the appellant was office bearer of the concerned gram panchayat, as such there was no occasion for him to take voter card or thumb impression of the informant and others. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. Appellant has got clean antecedent.

5. Considering the aforesaid facts, this appeal is allowed. The impugned order dated 08.02.2023 passed by learned Exclusive Special Judge (SC/ST Act), Gaya is set aside.

6. Let the appellant above-named, in the event of his arrest/surrender before the court below within a period of six 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) with two sureties of the like amount



each to the satisfaction of the learned Exclusive Special Judge  
(SC/ST Act), Gaya in connection with Fatehpur P.S. Case No.  
771 of 2022.

**(Prabhat Kumar Singh, J)**

vinita/-

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