

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2181 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- TEGHRHA District- Begusarai

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Kundan Kumar @ Kundan Singh @ Kundav Singh Son Of Sudishtha Choudhary @ Ram Sudishtha Singh R/O-Teyay, P.S.-BHAGWANPUR, Distt.-BEGUSARAI. Present Address- Resident Of Village Mohalla Suhirda Nagar, Ward No. 29, P.S.Nagar, Distt.-BEGUSARAI

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitendra Paswan Son Of Nunulal Paswan R/O-Barauni-2, P.S.-TEGHDA, Distt.-BEGUSARAI

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Arjun Prasad
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Kumar Praveen

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 26-07-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

2. 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 03.04.2023 passed by learned Special Judge SC/ST (POA) Act, Begusarai, in connection with Teghra P.S. Case No. 17 of 2023 registered under Sections 406, 420, 294/34 of the Indian Penal Code and Section 3(i)(r)(w), 3(2)(va) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 138 of the N.I. Act.

3. As per the prosecution case, all the accused persons including the appellant came at the house of the informant and told that the appellant will give a cheque of Rs. 4,00,000/- to him. Co-accused Rajaram Rai executed hand note in favour of the informant, thereafter, the appellant handed over the cheque of Rs. 4,00,000/- to the informant but due to insufficient amount the cheque was dishonored.

4. Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste hence, no offence under Section SC/ST Act is made out against the appellant. He submits that the appellant has no concern with the alleged affair and with this informant and co-accused. He further submits that there is civil nature dispute between the parties. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no. 2 opposed the payer for bail and submitted that the appellant has cheated the informant and abused him taking his caste name.



6. Considering the facts and circumstances of the case, let 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 enlarged 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 learned Special Judge SC/ST (POA) Act, Begusarai, in connection with Teghra P.S. Case No. 17 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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