

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2513 of 2023

Arising Out of PS. Case No.-339 Year-2022 Thana- SAHPUR District- Patna

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BRAJESH GANDHI SON OF LALIT PRASAD RESIDENT OF VILLAGE-
EAST BHIKHACHAK PS-GARDANIBAGH, DISTT- PATNA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. KISLAY KUMAR SON OF SRI LALAN PRASAD RESIDENT OF
VILLAGE- GOLA ROAD, WARD NO. 16, VILLAGE- DAUDPUR, PS-
DAUDPUR, DISTT- AURANGABAD

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 23.08.2023, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through his/her counsel but nobody
entered appearance on his/her behalf.

3. 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 12.01.2023 passed by learned Exclusive
Special Judge, (SC/ST Act), Patna in connection with Shahpur



P.S. Case No.339 of 2022, registered under Sections 420 and other allied Sections of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The allegation against the appellant is that he in connivance with co-accused Prabhat Kumar Ranjan, cheated of Rs.8,35,000/- on pretext of giving a flat but the same was not delivered as promised.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. He submits that the appellant was appointed as IT manager on 01.09.2017 and resigned from the job on 28.02.2020 due to selection in Government sector. He further submits that the matter has been compromised between co-accused Prabhat Kumar Ranjan and informant. Co-accused Prabhat Kumar Ranjan is ready to return the alleged amount to the informant and on that basis he has been granted bail by a co-ordinate Bench of this Court vide order dated 23.06.2023 passed



in Cr. APP(SJ) No.623 of 2023. Appellant has two criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In 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 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 Exclusive Special Judge, (SC/ST Act), Patna in connection with Shahpur P.S. Case No.339 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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