

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2667 of 2023**

Arising Out of PS. Case No.-447 Year-2021 Thana- ATRI District- Gaya

Sanjay Thakur @ Guddu Thakur, Son of Late Ambika Sharma, Resident of
village - Sohjana, P.S. - Ishlampur, Distt. - Nalanda, Bihar

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Alok Abhinav, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-07-2023 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') for setting aside the impugned order dated 08.05.2023 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Atri P.S. Case No.447 of 2021 registered for the offences punishable under Sections 406, 420 of the Indian Penal Code and Section 3(1)(r)(s) & 3(2)(va) of the Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice was issued vide order dated 23.06.2023 by this Court regarding present proceedings in terms of Section 15-



A(2) of the Act to the informant.

5. It is submitted by learned Special Public Prosecutor that information already given to informant in terms of aforesaid order but, she failed to join the present proceeding.

6. Accused/appellant is named in the FIR and is in custody since 23.03.2023.

7. Allegation against the appellant is to cheat the informant for a sum of Rs.1,60,000/- on false pretext of job.

8. It is submitted by learned counsel that appellant has been falsely implicated with present case when he raised demand to return loan as advanced to mother of informant. It is submitted a cash loan of 1,13,000/- was given to the mother of informant through agreement dated 11.09.2020 with a condition that same would be returned within next six months but, when the loan amount was not returned and demand was raised by appellant, a false case was lodged after one year of said loan. It is submitted that the terms and conditions of the loan of Rs. 1,13,000/- as given to mother of informant by appellant is documented through agreement dated 11.09.2020. It is submitted that nothing surfaced during the course of investigation and even from the face of FIR, out of which, act of appellant can be said atrocities within the meaning of Act. While



concluding argument, it is submitted that appellant is a man of clean antecedent and moreover investigation of this case has been completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

9. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh vs. Parasram @ Purushottam*** as reported in ***[2015 (153)AIC 276]***.

10. Learned Special Public Prosecutor opposes the prayer of bail.

11. In view of above-mentioned facts and circumstances and by taking note of agreement dated 11.09.2020 which is Annexure-2 of the present bail petition suggesting an advancement of loan of Rs.1,13,000/- to mother of informant, coupled with the fact that charge-sheet has already submitted, where appellant is in custody since 23.03.2023, accordingly, the appellant, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Atri P.S. Case No. 447 of 2021, subject



to the conditions as laid down under Section 437(3) of the CrPC.

12. Accordingly, the impugned order dated 08.05.2023 is set aside.

13. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

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