

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4297 of 2021**

Arising Out of PS. Case No.-272 Year-2021 Thana- BHAGWAN BAZAR District- Saran

MANISH KUMAR S/o- Surendra Sharma @ Surendra Kumar Sharma R/o
Village- Kaituka Nandan, P.S.- Maker, District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nawal Kishore Singh, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

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

3 19-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 21.06.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his 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 25.08.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 272 of 2021 registered under Sections 420, 406, 467, 468, 471, 506/34 of the



Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution story, in brief, is that the accused persons including this appellant have cheated Rs. 21,50,000/- on the pretext of providing a piece of land and when the informant demanded his money back, the accused persons gave him a forged cheque signed by unknown persons. As the said check was fake, the bank returned the same. Thereafter, when the informant asked about the fake cheque from the accused persons, they abused the informant by taking his caste name.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. 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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Appellant has no concern with the accused persons with whom the money transaction was done by the informant. As per FIR, the occurrence did not take place in public view, hence no offence under SC/ST Act is made out against the appellant. Similarly situated co-accused have been granted anticipatory bail by a Co-ordinate Bench of this Court



vide order dated 22.09.2022 in Criminal Appeal (SJ) No. 4096 of 2021. Appellant has no 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, as similarly situated co-accused have been granted bail, 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 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 272 of 2021, 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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