

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3496 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- JALALPUR District- Saran

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DHARMENDRA RAI S/O LATE SHIV DHYAN RAI Resident of village-
Gopalpur, P.S.- Marhaura, District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. SURESH RAM S/O LATE MUNESHWAR RAM Resident of village-
Nawada Mathiya, P.S.- Jalalpur, District- Saran.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ankur Prakash Sinha, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	Mr. Udit Narayan Singh, Advocate
		Mr. Gajendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 31-07-2023 1. Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for **anticipatory bail** *vide*
order dated 30.06.2022 in A.B.P. No. 779 of 2022 passed by the
learned Additional Sessions Judge-III-cum-Special Judge
S.C./S.T. (POA) Act, Saran at Chhapra in connection with
Jalalpur P.S. Case No. 05 of 2022 registered for the offences
punishable under Sections 420 and 406 of the Indian Penal Code
as well as Sections 3(1)(r)(s) of the SC/ST Act.



3. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that a Scorpio vehicle was seized in an excise case and the appellant approached him for purchasing the same for which it is alleged that the informant credited an amount of Rs. 2,25,000/- in the account of the appellant but then the Scorpio was auctioned in favour of someone else and when the informant demanded his money back, it is alleged that the appellant along with others came to his house and abused and threatened him.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that not a single amount was credited in the account of the appellant, it is further submitted that if a vehicle is to be auctioned, the auction purchaser had to approach the concerned P.S. where the vehicle was seized and the appellant in no way could have helped the informant in purchasing the vehicle, it is further submitted that the appellant and the informant are known to each other as they deal in sand.

5. Learned Spl. P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the appellant and the learned counsel for the informant



submits that amount was credited in the account of the appellant but the amount was not credited by the appellant but by some other person on the direction of the informant.

6. Learned counsel for the appellant rebuts the submission of the learned counsel for the informant and submits that in order to falsely implicate the appellant, the present false case has been instituted which is also apparent from the submission of the learned counsel for the informant that money was not credited by him but by some other person, on his instruction, it is also submitted that as far as allegation of assault and abuse is alleged, even presuming to be true, then the same took place at the house of the informant and thus was not in public view.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 30.06.2022 in A.B.P. No. 779 of 2022 passed by the learned Additional Sessions Judge-III-cum-Special Judge S.C./S.T. (POA) Act, Saran at Chhapra in connection with Jalalpur P.S. Case No. 05 of 2022 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand)



with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jalalpur P.S. Case No. 05 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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