

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4028 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- SC/ST District- Nawada

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Nishant Kumar @ Gopal Kumar Son Of Shri Surendra Singh Resident Of
Village- Bazidpur, Ps- Pakribarwan, Dist- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Chunchun Paswan Son Of Suresh Paswan Resident Of Village- Samble, Ps-
Warsliganj, Distt- Nawada, Present Address- Resident Of Village- Budhaul,
Ps- Nawada, Dist- Nawada

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Binay Kumar
For the Respondent/s : Ms. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Though a *vakalatnama* has been filed on behalf of
respondent no. 2, but nobody appears on behalf of respondent
no. 2.

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 16.01.2023 passed by learned Exclusive
Special SC/ST (POA) Act Court, Nawada, in connection with
SC/ST P.S. Case No. 01 of 2023 registered under Sections 406,



420, 323, 504, 506 of the Indian Penal Code, Section 138 of N.I. Act and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, subsequently in supervision Section 138 of N.I. Act was removed by D.S.P.

4. Informant alleged that he had given 2,29,500/- to the co-accused Gunjan for purchasing a Scorpio since the firms belong to the appellant, who was the cousin of Gunjan. Due to some reasons, Scorpio would not be registered and when informant demanded his money, appellant and co-accused abused him and denied to return his money.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellant. He submits that the appellant has returned the said amount to the informant, it is mentioned in para-10 of the memo of the appeal. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for anticipatory bail.

7. Considering the facts and circumstances of the



case and the fact that it is civil dispute/money dispute between the parties, 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 Exclusive Special SC/ST (POA) Act Court, Nawada, in connection with SC/ST P.S. Case No. 01 of 2023, 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)

anand/-

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