

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3618 of 2022**

Arising Out of PS. Case No.-690 Year-2021 Thana- GAYA MUFASIL District- Gaya

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VISHAL KUMAR @ GUDDU S/o Haridwaar Tiwary R/o Village- Kathariya,
P.S.- Wazirganj, Distt- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Malti Devi W/o Ramesh Das R/o Village- Tarwan, P.S.- Wazirganj, Distt- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Shivendra Prasad
For the Respondent/s	:	Mr.Sadanand Paswan
		Mr.Birendra Sharma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 29-03-2023 Heard learned counsel for the appellant, learned

Special P.P. for the State and learned counsel appearing on

behalf of respondent no. 2.

The present appeal has been filed against order dated
05.08.2022 passed by learned Exclusive Special Judge, SC/ST ,
Gaya in Muffasil P.S. Case No. 690 of 2021 registered for the
offence punishable under Sections 406, 420, 504, 506/34 of the
Indian Penal Code and Section 3(1)(r)(s) of the Scheduled
Castes and the Scheduled Tribes (POA) Act (for short “SC/ST
Act”), whereby the prayer for anticipatory bail of appellant was
rejected.

As per F.I.R., the informant has entered in an
agreement with Raja Kumar to purchase a piece of land and



informant gave Rs. 15 lakh to co-accused Raja Kumar and later on, co-accused Raja Kumar denied to execute Kewala and when informant demanded her money, co-accused Raja Kumar gave cheques to informant, which got dishonoured. It is further alleged that when informant demanded his amount then co-accused by using filthy language threatened her. It is also alleged that two friends including this appellant also threatened the informant.

Learned counsel for the appellant submits that from bare perusal of the F.I.R., it is apparent that no case under the SC/ST Act is made out against this appellant, as there is no allegation that this appellant abused the informant by her caste name. Specific allegation has been made against co-accused Raja Kumar. Admittedly, money was transferred to the bank account of co-accused Raja Kumar and cheques were also issued by co-accused Raja Kumar, which were not honoured. Appellant has got no concern with the alleged money transaction and only because he was friend of co-accused Raja Kumar, he has been falsely implicated in this case. Appellant has got clean antecedent.

The appeal is vehemently opposed by learned Special P.P. as well as learned counsel for the respondent no. 2.



Considering the aforesaid facts and circumstances, the impugned order dated 05.08.2022, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Muffasil P.S. Case No. 690 of 2021.

(Prabhat Kumar Singh, J)

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