

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1323 of 2021

Arising Out of PS. Case No.-1309 Year-2017 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. Santosh Kumar S/O Gauri Shankar Pandey Resident Of Village Chak Abgil P.O Kasar, Ps-Ariyari District Sheikhpura Picode-811105, Posted At The Relevant Time As Collection Executive, Mahindra And Mahindra Financial Services Ltd., Near Baulia Road, Infront Of Old Nishant Cinema Hall, Old Gt Road, Sasaram, Rohtas, Pin Code 821115 And Presently Posted As Area Collection Manager, Mahindra Andmahindra Financial Services Ltd., Above State Bank India, Aghoria Bazar, Muzaffarpur, P.O And P.S-Muzaffarpur, Bihar-842001.
 2. Saurav Kumar S/O Niranjana Kumar Maharaj R/O Ward No.29, Near Mufassil Thana, Baghi, P.S-Mufassil, Begusarai, Pincode-851218 Posted At The Relevant Time As Business Executive, Mahindra And Mahindra Financial Services Ltd., Near Nawada Collectorate, First Floor, Gb Complex, Prajatantra Chowk, P.S-Sadar, District-Nawada, Pincode-805110.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Raj Kumar Paswan S/O Late Luxman Paswan R/O Village-Nigari, P.S-Akbarpur, District-Nawadah.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shivendra Kumar Roy
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

10 20-06-2024 1. Heard learned counsel for the appellants and the learned Special P.P. Mr. Binay Krishna.

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 30.10.2020 in A.B.P. No. 1464 of 2020 passed by



the learned Additional District and Sessions Judge-1-cum-Special Judge, SC/ST (POA) Act, 1989, Nawada in connection with Complaint Case No.1309©/2017 registered under Sections 420, 323 of the Indian Penal Code as well as Sections 3(x) of the SC/ST (POA) Act, 1989.

3. Learned counsel for the appellants submits that the case was taken up on 09.07.2021, when provisional bail was granted to the appellants and notices were issued on the O.P. No.2. It is next submitted that notices on behalf of the O.P. No.2 was received by his wife and thereafter a jointness application was filed, as such, notices issued on the O.P. No.2 is deemed to have been validly served. The learned counsel for the appellants submits that despite O.P. No.2 receiving notice chooses not to appear and contest, which amply demonstrates that the appellants were falsely implicated in the instant case.

4. Learned Special Public Prosecutor Mr. Binay Krishna opposes the prayer for anticipatory bail of the appellants.

5. Considering the submission of the learned counsel for the appellants, the order impugned is set aside and the provisional bail granted to the appellants is hereby confirmed on the same terms and condition.



6. Accordingly, the impugned order is set aside and
this appeal stands allowed.

(Satyavrat Verma, J)

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