

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2008 of 2023

Arising Out of PS. Case No.-633 Year-2022 Thana- LAHERIMUHALLA District- Nalanda

VIJAY KUMAR @ VIJAY KUAMR SINGH Son of Late Krishna Singh R/V-
Sarewa, P.O-diha, PS- Guraru, Dist- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-01-2024 Heard learned counsel for the appellant and learned Special
Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 03.11.2023, he has informed the informant but none is present 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 04.02.2023 passed by learned Additional Sessions Judge-III-cum Special Judge (SC/ST Act), Nalanda at Biharsharif in connection with Laheri P.S. Case No. 633/2022 registered under Sections 306/34 of the Indian Penal Code and Section 3(1) (r) (e) of the Scheduled Castes and Scheduled Tribes (Prevention



of Atrocities) Act.

4. Appellant in association of other co-accused is said to have misappropriated a sum of Rs.5,90,500/- of the CMS company.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case being an employee of the company. It is further submitted that appellant is working as location in-charge with CMS company for past 14 years and as a part of his role and duty he is only responsible for route allocations to the custodian for ATM cash replenishment and ensure operational activities and report to management if any discrepancy is found. The allegation levelled against the appellant is not specific rather general and omnibus in nature. 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, 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 Addl. Sessions



Judge-III-cum-Special Judge (SC/ST Act), Nalanda at Bihar Sharif in connection with Laheri P.S. Case No.633/2022, 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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