

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2568 of 2023

Arising Out of PS. Case No.-340 Year-2022 Thana- SAHPUR District- Patna

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Brajesh Gandhi S/O Sri Lalit Prasad R/O Village- East Bhikhachak, P.S-
Gardanibagh, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Madan Choudhary S/O Jagmohan Choudhary R/O Ainkha, P.S- Dulhin
Bazar, District- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhoy Kumar Kashyap
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 13-05-2024 1. Heard learned counsel for the appellant and 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 09.11.2022 in A.B.P. No. 7856/2022 passed by the
learned Exclusive Special Judge, SC/ST Act, Patna in
connection with Shahpur P.S. Case No. 340/2022, registered
under Sections 406, 420, 467, 468 and 34 of the Indian Penal
Code and Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellant submits that from



perusal of the office report dated 27.02.2024, it would manifest that same records that the registered notice was received by the brother of the respondent no.2. Since the brother of the respondent no.2 received the notice, as such, it is deemed to have been validly served. The learned counsel for the appellant next submits that the appeal has been filed within the period of limitation and appellant is a person with clean antecedent and allegation is of cheating the informant of Rs.11,16,000/- on pretext of giving a flat but the same was not delivered as promised and appellant is an employee of the company and not the builder. It is further submitted that the appellant also belongs to SC community, as such, the offence under the SC/ST Act is not attracted against him. Further, the builder has also approached this Court, seeking anticipatory bail by filing Cr. Appeal (SJ) No.543/2023 and the same was allowed by an order dated 28.07.2023 based on the ground that the dispute in between the builder and the informant stands compromised.

4. Learned Special Public Prosecutor opposed the prayer for anticipatory bail of the appellant.

5. Considering the submission of the learned counsel for the appellant, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a



period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond 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 in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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