

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3208 of 2024

Arising Out of PS. Case No.-377 Year-2023 Thana- SULTANGANJ District- Patna

Abhash Ranjan @ Akhilesh Ranjan SON OF KRISHNA SINGH VILLAGE-
SAIDA BAZAR WEST OF DARU DEPO, PS- HILSA DIST- NALANDA
AT PRESENT RESIDENT AT KANKARBAG ROAD, NEAR
KHASHMAHAL, PS- KANKARBAG, DIST- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. RAHUL KUMAR RAUT SON OF JAGARNATH RAUT VILLAGE-
TRENING, PS- BIHTA, DIST- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rudra Deo, Adv
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-09-2024 Heard learned counsel for the appellant, Mr. Binay Krishna, learned Special P.P. for the State and learned counsel appearing on behalf of the informant.

2. The appellant has challenged the order dated 22.04.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Patna, in connection with Sultanganj P.S. Case No. 377 of 2023, instituted for the offences under Sections 420, 406, 341, 504/34 of the Indian Penal Code and Section 3(i)(r)(s)/3(2) (v2) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby his prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the



appellant submits that appellant has been falsely implicated in the instant case by the informant. It is also submitted that from bare perusal of the allegation, as alleged in the F.I.R. that it would manifest prima facie no offence under the SC/ST Act is made out against the appellant in the nature of allegation as alleged. It is further submitted that in sum and substance, the allegation in the F.I.R. is that Naresh Kumar had issued a cheque of Rs. 3,00,000/- (rupees three lakhs) in favour of the informant which on presentation for encashment bounced and it is alleged that the appellant had also accompanied Naresh when he had issued the cheque. The learned counsel appearing on behalf of the appellant further submits that merely because the appellant had accompanied Naresh that in itself does not give rise to cause of action for instituting a criminal case under SC/ST Act and the N.I. Act read with other sections of the I.P.C. It is next submitted that this amply demonstrates that how the SC/ST Act is being misused for personal gain.

4. The learned Special P.P. and learned counsel appearing on behalf of the informant opposes the appeal but then are not in a position to rebut the submission of learned counsel appearing on behalf of the appellant that appellant had not issued the cheque nor had taken a money from the



respondent No.2 and merely because he accompanied Naresh that in itself does not give rise to cause of action.

5. Regard being had to the aforesaid submissions, the order dated 22.04.2024 is set- aside.

6. The appeal stands allowed.

7. The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Patna, in connection with Sultanganj P.S. Case No. 377 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

sanjeev/-

(Satyavrat Verma, J)

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