

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4281 of 2023

Arising Out of PS. Case No.-305 Year-2023 Thana- JAKKANPUR District- Patna

Sanjeev Kumar S/O Sudheshwar Singh R/O Village- Khagaul Road, Sump House, Near Santosh Cement Store, P.S- Jakkanpur, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Deepak Kumar Azad S/O Azad Kumar R/O Tinpulwa Ambedkar Path, P.S- Jakkanpur, Distt.- Patna.

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4359 of 2023

Arising Out of PS. Case No.-305 Year-2023 Thana- JAKKANPUR District- Patna

Gaurav Kumar Son Of Sri Sanjeev Kumar Singh Resident Of Village- Khagaul Road, Sump House, Near Santosh Cement Store, Ps- Jakkanpur, Distt- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Deepak Kumar Azad Son Of Azad Kumar Resident Of Village- Tinpulwa Ambedkar Path, Ps- Jakkanpur, Distt- Patna

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 4281 of 2023)

For the Appellant/s : Mr. Ajay Kumar Thakur, Adv.
Ms. Vaishnavi Singh, Adv.
Mr. Ritwik Thakur, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

(In CRIMINAL APPEAL (SJ) No. 4359 of 2023)

For the Appellant/s : Ms. Vaishnavi Singh, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 07-02-2024 As both these bail appeals have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.



2. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

3. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 01.11.2023, he has informed the informant/complainant but none is present on his/her behalf.

4. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 09.08.2023, passed by learned Exclusive Special Judge (SC/ST Act), Patna in connection with Jakkanpur P.S. Case No. 305 of 2023, registered under Sections 341, 323, 354, 504, 506, 406, 420/34 of the IPC and Sections 3(i) (r) (s) (w) of SC/ST Act.

5. Appellants along with other accused are said to have assaulted and abused the informant by taking caste name.

6. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. He submits that as a matter of fact the



informant has taken loan from the son of the appellant namely, Sanjeev Kumar of Rs. 14,00,000/- in lieu of which the present informant has also issued three cheques from the account of his father Mr. Azad Kumar which was dishonored. He submits that the appellant sent a legal notice to the father of the informant annexing all the documents and when no reply was given to the said notice, son of appellant namely, Sanjeev Kumar filed a complaint case before the learned court below. He submits that the present dispute is purely civil dispute. He further submits that appellant of Cr. Appl. (SJ) No. 4359 of 2023 has one criminal antecedent and rest of the appellant has no criminal antecedent as stated in para-3 of this appeal.

7. However, learned APP for the State opposes the prayer for bail.

8. Considering the facts and circumstances of the case, let the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Patna in connection with Jakkanpur P.S. Case No. 305 of 2023, subject



to the condition as laid down under Section 438 (2) of the
Cr.P.C.

9. Accordingly, the impugned order is set aside and
the appeal is allowed.

(Anjani Kumar Sharan, J)

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