

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4343 of 2022

Arising Out of PS. Case No.-17 Year-2018 Thana- SC/ST District- Rohtas

SHUSHIL KUMAR MISHRA S/o Kula Kant Mishra R/o Village- Dhamsain,
P.S.- Alinagar, Distt- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Nagina Ram S/o Late Shyam lal Chaudhari R/o village- Tekari Kala,
P.S.- Mohania, Distt- kaimur (Bhabhua).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Brij Bihari Tiwary
For the State	:	Mr. Sadanand Paswan
For the Respondent No.2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-09-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor For the State.

2. Despite valid service of notice, no one appears on
behalf of the respondent no. 2.

3. This appeal has been filed for setting aside order
dated 09.11.2022 passed in a case registered for the offence
punishable under Sections 420, 406, 409, 323, 120-B, 504,
506, /34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 whereby the prayer for anticipatory bail of
the appellant has been rejected.

3. As per the prosecution case in brief is that



informant who was a Panchayat Secretary, alleging that the appellant and one co-accused namely Sunil Kumar @ Sunil Kumar Singh who was local mukhiya by putting forged signature of the Panchayat Secretary, co-accused Sunil Kumar @ Sunil Kumar Singh in connivance with the appellant had withdrawn public money from the bank account.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is innocent and has falsely been implicated in this case. The aforesaid matter was inquired by the Bank and it was found that it was a joint account in the name of the informant and the co-accused Sunil Kumar @ Sunil Kumar Singh and by joint signature money was withdrawn. The specific accusation of putting forged signature is against co-accused Sunil Kumar @ Sunil Kumar Singh who was local mukhiya and he had already granted Provisional Pre-arrest bail by a coordinate Bench of this Court vide order dated 14.12.2018 passed in Cr. Misc. No. 1866/2018 and was directed to refund the entire amount of Rs. 2,37,000/- in three monthly installments who had already deposited the amount. Moreover, there is no allegation against the appellant of abuse by calling caste name and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out.



5. On the other hand, learned Spl.PP. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to this appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 09.11.2022 passed by the learned A.D.J.-17-cum-Special Judge, SC/ST Act, Rohtas, Sasaram in connection with SPL. Case No. 46/2018, arising out of Dehri SC/ST P.S. Case No. 17/2018 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-17 cum Special Judge, SC/ST, Rohtas, Sasaram in connection with SPL. Case No. 46/2018, arising out of Dehri SC/ST P.S. Case No. 17/2018.

(Prabhat Kumar Singh, J)

Ranjeet/-

U		T	
---	--	---	--

