

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5346 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- SC/ST District- Samastipur

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Santosh Sah S/O Rajendra Sah Resident Of Village- Malahi, P.S.- Sursand,
District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi, W/O- Ram Vinay Ram Resident of Village- Dekari, P.O.-
Jahangirpur, P.S.- Khanpur, District- Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Suneil Kumar Thakur, Adv.
For the State : Mr. Binay Krishna, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 15-04-2024 Heard learned counsel for the appellant,

learned Special Public Prosecutor for the State and

learned counsel for the informant.

2. The instant appeal has been filed by the

appellant against the order dated 01.11.2023 passed by

learned Special Judge, SC/ST (POA) Act, Samastipur

whereby the prayer for bail of the appellant in

connection with Samastipur SC/ST P.S No. 94 / 2022

under Sections 341, 323, 420, 409, 504, 506 I.P.C &

U/S 3(1)(r)(s)/3(2) (va) of Scheduled Caste &

Scheduled Tribe (Prevention of Attrocities) Act



(hereinafter referred to as the SC/ST (PoA) Act) was rejected.

3. Prosecution case, in short, is that the informant took Rupees 47,150/- as loan from L & T Micro Finance and when the informant went to withdraw the money from the C.S.P of Bank of India run by co-accused Bhola Mahto then co-accused took thumb impression of the informant on the scanner on 24.03.2022 and 25.03.2022 and stated that due to technical fault money could not be withdrawn from the informant's account but when the informant went to Central Bank of India (Khanpur Branch), she came to know that Rupees 52,000/- was withdrawn from her account on 24.03.2022 and 25.03.2022 and when the informant complained to the co-accused then the co-accused Bhola Mahto assaulted and abused the informant and her husband using caste abusive words.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel for the appellant further



submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. Learned counsel for the appellants is ready to pay the due amount of Rs. 52,000/- to the informant. The appellant is in custody since 05.10.2023 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and submission made by learned counsel for the appellants that he is ready to pay the due amount of Rs. 52,000/- to the informant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed with condition that appellant shall pay the due amount of Rs. 52,000/- in two installments, first installment of Rs. 26,000/- shall be paid before furnishing bail bond of the appellant and second



installment of Rs. 26,000/- shall be paid in first week of June, 2024.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Samastipur SC/ST P.S No. 94 / 2022 on further condition that after payment of the first installment the petitioner shall be granted provisional bail and after payment of the second installment (Rs. 26,000+Rs. 26,000 total amounting of Rs. 52,000/- paid to the informant) the provisional bail of the petitioner shall be confirmed.

(Ramesh Chand Malviya, J)

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