

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.268 of 2024

Arising Out of PS. Case No.-493 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Manoj Gupta @ Manoj Kumar Gupta S/O Late Suresh Prasad Gupta
Residence Of Maner Padav, P.O. And Ps. Maner, Dist. Patna.
 2. Manish Gupta @ Manish Kumar Gupta S/O Late Suresh Prasad Gupta
Residence Of Maner Padav, P.O. And Ps. Maner, Dist. Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arvind Paswan Ram Janam Paswan Residence Of Village- Mahinava
Bazaar, Ward No. 15, P.O. And Ps.- Maner, Dist. Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rahul Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the R.P. No. 2	:	Mr. Navin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-01-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 16.12.2023 passed by learned Exclusive Special Court, SC/ST Act, Patna in connection with A.B.P. No. 11138 of 2023 arising out of Complaint Case No. 493 of 2018, registered under Sections 420, 341, 352, 323, 504/34 of the Indian Penal Code and Section 3(i)(g)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on 17.06.2018, the accused persons handed over Rs. 5,00,000/- to the complainant and took



his sign upon blank paper and assured to hand over the remaining amount to the over co-sharer. Tenure of the said agreement was one month and after one month when complainant demanded the remaining amount, all the accused persons including these appellants assaulted complainant with fists and slaps and abused him by caste name.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. From perusal of the complaint petition, it is apparent that a civil dispute has been given criminal colour only with a view to harass the appellants. Moreover, respondent No. 2 has already filed Title Suit No. 146 of 2019 which is pending before learned Sub-Judge V, Danapur. It is not the case of complainant that the alleged incident occurred within public view as such, no offence under SC/ST Act is made out. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent No. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of Exclusive Special Court, SC/ST Act, Patna in connection with A.B.P. No. 11138 of 2023 arising out of Complaint Case No. 493 of 2018.

7. Accordingly, this criminal appeal is allowed and impugned order dated 16.12.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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