

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.842 of 2022

Arising Out of PS. Case No.-13 Year-2021 Thana- SC/ST District- Purnia

ANIL KUMAR Son of Sri Satyanarayan Yadav Resident of village -
Kheruganj, P.S.- Sadar, District - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Mundro Devi Wife of Sri Shyam Lal Uraon Resident of village - Basgama
P.S.- Sadar, District - Purnea

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Amit Kumar Anand, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-11-2025 Heard learned counsel appearing for the appellant and

learned Spl.P.P. appearing on behalf of the State.

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

behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 24.02.2022 passed in a case registered for the offence
punishable under Sections 406, 420, 504 and 506 of the Indian
Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for anticipatory bail of the appellant has
been rejected.



4. As prosecution case, informant, namely Mundro Devi, alleged that this appellant took Rs. 30,90,000/- from her husband to do business but he did not start any business. It is alleged that on 29.01.2021, upon asking about the money, this appellant abused informant and her husband by caste name, refused to return the money and also threatened to kill them.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. There is no chit of paper on record to support the allegation that this appellant took any money from the husband of informant and only a bald statement has been made. It is a case of loan dispute which is purely civil in nature. It is not the case of the prosecution that the alleged incident took place only on the ground that the informant belong to SC/ST community and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant claims clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the



case, nature of accusation and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 24.02.2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea in connection with A.B.P. No. 11 of 2022 arising out of SC/ST P.S. Case No. 13 of 2021 is hereby set aside with respect to this appellant only.

8. 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 13 of 2021.

(Prabhat Kumar Singh, J)

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