

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2203 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- KANKARBAG District- Patna

RAJESH KUMAR SINHA SON OF LATE SRIDHAR PRASAD SINHA
RESIDENT OF D/55 P.C. COLONY, KANKARBAGH, POLICE STATION -
KANKARBAGH, DISTRICT - PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUSHILA SINHA WIFE OF LATE ARUN KUMAR CHAUDHARY
PROPRIETOR OF MS. ANAMILA INDANE, VASANT VIHAR MARKET
(NEAR PANCHSHIV MANDAL), KANKARBAGH, POLICE STATION -
KANKARBAGH, DISTRICT - PATNA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Rakesh Kumar Sharma, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. PP
For the Informant	:	Mr. Durgesh Nandan, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 03-11-2025

1. Heard learned Senior counsel for the appellant,
Mr. Ramakant Sharma, learned Spl. P.P. for the State and the
learned counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 08.04.2024 in A.B.P. No. 668 of 2024 passed by the
learned Exclusive Special Judge S.C./S.T. (POA) Act, Patna in
connection with Kankarbagh P.S. Case No. 28 of 2024



registered for the offences punishable under Sections 406, 420, 504 and 506 of the Indian Penal Code as well as Sections 3(1)(r) and 3(1)(s) of the SC/ST Act.

3. Learned counsel appearing on behalf of the informant, at the outset, very fairly submits that informant does not belong to the OBC category, but then she married a person from SC category, but then law is clear that caste status does not change by virtue of marriage.

4. Learned Senior counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and the informant alleges that she is proprietor of Anamika Indane Agency and appellant was engaged for looking after computer related works and was working for the last 18 years, the manager of the firm during Covid period was unable to perform his duty, as such, appellant in between 01.10.2020 to 30.06.2023 was looking after the work of the firm, but was not furnishing the accounts, rather used to give threats, further with intervention of well wishers, the appellant furnished the account when it came to the notice of the informant that appellant during the aforesaid period has misappropriated an amount of Rs. 28,94,540/-

5. The learned Senior counsel appearing on behalf



of the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is submitted that appellant was working with the informant for the last 18 years with no complaints whatsoever. It is also submitted that appellant was not an Accountant rather was looking after computer related works and it was on account of unavailability of the manager of the firm during Covid period that appellant was looking after the accounts also, as such, some mistake was committed, but then it was not a case of misappropriation. It is also submitted that appellant has already returned an amount of Rs. 15,50,000/- which is not disputed by the learned counsel appearing on behalf of the informant. The learned Senior counsel next submits that though according to the informant still an amount of Rs. 13,44,540/- is due, but according to the appellant, the due amount is Rs. 10 Lakhs and the appellant is willing to clear the said dues within a period of nine months from today.

6. Learned counsel appearing on behalf of the informant does not oppose the appeal on the ground that appellant is willing to return an amount of Rs. 10 Lakhs within a period of nine months from today.

7. Considering the submissions made by the



learned counsels for the parties, the order dated 08.04.2024 in A.B.P. No. 668 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Patna in connection with Kankarbagh P.S. Case No. 28 of 2024, **is hereby set aside** and the appellant above-named, in the event of his arrest or surrender before the learned Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Kankarbagh P.S. Case No. 28 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. It is made clear that the appellant shall credit an amount of Rs. 10 Lakhs in the account of the informant on or before 15.08.2026 and thereafter on 18.08.2026 shall file an affidavit bringing to the notice of the learned Trial Court that an amount of Rs. 10 Lakhs has been credited in the account of the informant substantiated by documentary evidence.

9. It is further made clear that if no affidavit is filed by the appellant on 18.08.2026 bringing to the notice of the learned Trial court that an amount of Rs. 10 Lakhs has been



credited in the account of the informant, in that event the learned Trial Court shall be at liberty to cancel the provisional anticipatory bail bonds of the appellant, but if the amount is credited in the account of the informant, in that event the provisional anticipatory bail bonds of the appellant shall be confirmed forthwith.

10. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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