

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4301 of 2024

Arising Out of PS. Case No.-73 Year-2023 Thana- SC/ST District- Lakhisarai

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1. Rajesh Kumar @ Rajesh yadav @ Moti Yadav Son of Kedar Yadav Resident of Village - Nathudih, P.S. - Kiul, District - Lakhisarai
 2. Biru Kumar @ Biru M. Kumar Son of Mithlesh Prasad Resident of Village - Dirdha, sx, P.S. - Rahui, District - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Baby Devi Wife of Vipin Das Resident of Village - Ramchandrapur, P.S. - Pipariya, District- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mayank Bilochan, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 28-01-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and perused the case diary.

2. The instant appeal has been filed by the appellants against the order dated 29.08.2024 passed by learned Additional District and Sessions Judge-I-cum-Special Judge SC/ST Act, Lakhisarai, whereby the prayer for bail of the appellants in connection with Lakhisarai SC/ST P.S. Case No. 73 of 2023, under Sections 341, 323, 504, 420, 406/34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(v)(a) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellants have procured the loan amount of the informant and others in



connivance with the Branch Manager of Satya Micro Capital Limited Bank and on complaint they have abused the informant by castiest remarks.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Learned counsel for the appellants also submits that there is inordinate delay of about five months in lodging the FIR. The allegation levelled against the appellants are general and omnibus in nature. Specific allegation is made against the Bank Manager of the aforesaid bank who has collected the papers and signatures of the account holder to provide loan. The appellants have been dragged in this case on the basis of suspicion that both of them were present in the bank with the branch manager of the aforesaid bank. Learned counsel for the appellants further submits that the appellants have 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 them. The appellants have no intention to disgrace the image of the informant in public view. The appellants have voluntarily surrendered before the Court below on 09.07.2024. Appellant no. 1 has got five criminal antecedents in which he is on bail in three cases and appellant no. 2 has got one criminal antecedent.



5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 29.08.2024 passed by learned Additional District and Sessions Judge-I-cum-Special Judge SC/ST Act, Lakhisarai, is hereby set aside.

7. Let the appellants be released 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 Court below/concerned Court in connection with Lakhisarai SC/ST P.S. Case No. 73 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellants.

(II) The appellants shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellants.

(Rudra Prakash Mishra, J)

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