

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4272 of 2024

Arising Out of PS. Case No.-72 Year-2023 Thana- SC/ST District- Lakhisarai

Rajesh Kumar @ Rajesh Yadav @ Moti Yadav S/O Kedar Yadav R/O Village-
Nathudih, P.S- Kiul, Distt.- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gauri Kumari W/O Valiram Paswan R/O Village- Brindavan, P.S- Kiul,
Distt.- Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Mrigendra Kumar, Advocate Mr. Mayank Bilochan, Advocate
For the State	:	Ms. Usha Kumari 1, SPP
For the Informant	:	Mr. Ashok Kumar Jha, Advocate Mr. Saurav Anand, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 13-02-2025 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 29-08-2024 passed by Additional District
& Sessions Judge-I-cum-Special Judge SC/ST Act, Lakhisarai
whereby the prayer for bail of the appellant in connection with
Lakhisarari SC/ST PS Case No. 72 of 2023 under Sections 420,
406, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)
(s)/ 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that appellant &



others procured loan in the name of thirty seven (37) ladies of scheduled caste and withdrew the loan amount. It is further alleged that appellant has abused the ladies by taking their caste name.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. It is submitted that appellant is no way concerned with any of the banks and it is contended that he is neither employee nor agent of the bank. It is next submitted that there is no documentary evidence on record to show the transaction of withdrawal. 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. The appellant has voluntarily surrendered and is in custody since 09-07-2024. Appellant has five criminal antecedents. Appellant has been granted bail by this Court in two other cases arising out of the same occurrence, bearing Cr. Appeal (SJ) No. 4270 of 2024 arising out of SC/ST PS Case No. 71 of 2023 and Cr. Appeal (SJ) No. 4301 of 2024 arising out of SC/ST PS Case No. 73 of



2023.

5. Learned Special P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the appellant. It is contended that other witnesses have also supported the allegations and during investigation, it has surfaced that appellant is broker and he has procured loan amount in the name of various ladies of weaker section by procuring their documents.

6. Considering the aforesaid facts and circumstances of the case, there being no cogent material against the appellant and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 29-08-2024 passed by Additional District & Sessions Judge-I-cum-Special Judge SC/ST Act, Lakhisarai is hereby set aside.

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 Court below/concerned Court in connection with Lakhisarari SC/ST PS Case No. 72 of 2023, subject to the following conditions:

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



(II) The appellant 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 appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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