

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4270 of 2024

Arising Out of PS. Case No.-71 Year-2023 Thana- SC/ST District- Lakhisarai

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1. Rajesh Kumar @ Rajesh Yadav @ Moti Yadav Son of Kedar Yadav R/O Vill.- Nathudih, P.S.- Kiul, Dist.- Lakhisarai.
 2. Biru Kumar @ Biru M. Kumar Son of Mithlesh Prasad R/O Vill.- Dirdha, P.S.- Rahui, Dist.- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Baby Devi Wife of Vipin Das R/O Vill.- Ramchadrapur, P.S.- Pipariya, Dist.- 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 27-01-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants 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 appellants in connection with Lakhisarari SC/ST PS Case No. 71 of 2023 under Sections 420, 406, 379, 504/34 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 appellants procured loan in the name of twenty-nine (29) ladies of



scheduled caste and withdrew the loan amount. It is further alleged that appellants have abused the ladies by taking their caste name.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. It is submitted that appellants are no way concerned with any of the banks and it is contended that they are neither employee nor agent of the bank. It is next submitted that from perusal of the FIR, it appears that the amount has been withdrawn from the banks since 20-10-2022 till 05-03-2023, but during this period, neither any complain nor any enquiry has been made after passing of seven months, without any explanation of delay. It is next submitted that there is no documentary evidence on record to show the transaction of withdrawal. 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 are in custody since 09-07-2024. Appellant No.1 has five criminal antecedents, whereas appellant No.2 bears one criminal antecedent.



5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellants. It is contended that other witnesses have also supported the allegations and during investigation, it has surfaced that appellants are brokers and they have 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 appellants 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 Additional District & 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 Lakhisarari SC/ST PS Case No. 71 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)

Raj Kishore/-

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