

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5500 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- SC/ST District- Patna

CHITRANJAN KUMAR SON OF RAJENDRA RAI @ RAJENDRA PRASAD YADAV RESIDENT OF VILLAGE- PRAKASH BAND KARBIGHAIYA, PS- JAKKANPUR, DISTT- PATNA AT PRESENT RESIDENT OF VILLAGE- MUNNACHAK, PS- PATRAKAR NAGAR, DISTT- PATNA

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. BINOD BHARTI SON OF KISHUN RAJAK RESIDENT OF VILLAGE- HOSPITAL ROAD, MASAUHRI, PS- MASAUHRI DIST- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Malendu, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-02-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 29.05.2023 passed in a case registered for the offence punishable under sections 504, 506, 379 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(v) (a) of the Scheduled Castes and Scheduled Tribes Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , this appellant is



alleged to have stolen echo system and stabilizer from the go-down of informant. It is further alleged that when a Panchayati was held, this appellant abused informant by caste name .

4. It is submitted that this appellant has falsely been implicated in this case . As a matter of fact, appellant gave Rs. 80,000/- as a friendly loan to the informant and informant promised to return the same within three months. But after lapse of three months when appellant demanded his money back , this false and concocted case has been lodged against appellant. No stolen article has been recovered from the possession of appellant. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5 . Learned Special Public Prosecutor for the State opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 the learned Special Judge , SC /St



Act Patna in connection with Patna Sadar Police Station Case
No. 43 of 2023 .

(Prabhat Kumar Singh, J)

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