

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2394 of 2025

Arising Out of PS. Case No.-739 Year-2023 Thana- KHAGARIA District- Khagaria

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1. Sanjay Kumar @ Sanjay Kumar Gupta S/o Late Rajo Sah @ Raj Kumar Sah Resident of Village- Inside of Lakshmi Cinema Hall Khagaria, PS and District- Khagaria
 2. Abhishek Kumar Gupta @ Abhishek Kumar S/o Pramod Kumar Gupta R/o vill - Kachahari Road in-front of Samaharnalay, Khagaria, P.S.- Chitraguptanagar, Distt.- Khagaria, Permanent Address R/o vill- Chandranagar (Ranko), P.S.- Muffasil, Distt.- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Manjeet Kumar S/o Ashok Kumar Rajak R/o Jaiprakash Nagar near Halicopter Bhavan, P.S. and Distt.- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rahul Singh, Adv
For the Respondent/s : Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 21-07-2026 1. Heard learned counsel for the appellants, 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 20-5-2025 in A.B.P. No. 25 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Khagaria in connection with Khagaria P.S.



Case No. 739 of 2023 registered for the offences punishable under Sections 406, 420, 504 of the IPC and Section 138 of the NI Act as well as Section 3(1)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that from perusal of the office report dated 18-5-2026, it would manifest that informant refused to receive notice as such the notice is deemed to be validly served.

4. The Court agrees with the submission made by learned counsel appearing on behalf of the appellants.

5. Learned counsel for the appellants next submits that appellants are persons with clean antecedent and the informant alleges that Abhishek took loan of Rs. 2 lakh 50 thousand from him on pretext of his wife's treatment and business and gave a cheque of Rs. 2 lakh in favour of his father-in-law Sanjay Kumar (appellant no. 1), but cheque on presentation for encashment bounced and when informant went to his house for informing, all the accused persons including the appellants abused him by taking caste name and spat on his face.

6. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the



allegations as alleged in the FIR, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is also submitted that even presuming what has been alleged is true without admitting then the entire occurrence took place at the house of the appellants thus was not in public view and this perhaps explains why respondent no. 2 despite receiving notice chooses not to appear and contest.

7. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

8. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each 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 the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly, the impugned order is set aside and the appeal stands allowed.

(Satyavrat Verma, J)

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