

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4948 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- SC/ST District- Sheikhpura

Subhankar Kumar @ Subhenkar Kumar S/O Bhola Sharma Resident of
Village- Nadsena, Police Station- Sitamarhi, District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rikki Raj S/O Late Nandu Chaudhary R/O Village- Husainabad, P.S-
Ariyari, Distt.- Sheikhpura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nilendu Kumar Choudhary
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-04-2026 1. Heard the learned counsel for the appellant, learned
Special P.P. Ms. Usha Kumari No.1 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 05.09.2024 in A.B.P. No. 494/2024 passed by the
learned 1st Additional District and Sessions Judge-cum-Special
Judge, SC/ST Act, Sheikhpura in connection with Sheikhpura
SC/ST P.S. Case No. 29/2024 registered under Sections 504,
506, 406, 420, 310, 120(B) of the Indian Penal Code as well as



Sections 3(1)(r), 3 (1)(s), 3(1)(d), 3(i)(dh), 3(i) and 3(2)(va) of the SC/ST (POA) Act.

3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that he was driver of the accused persons from 01.01.2021 till 30.12.2022 and was getting salary of Rs.12,000/- per month, next alleges that on 24.03.2022, the accused persons took Rs.4,10,000/- from him on pretext of constructing a house, further when informant demanded his wages and the loaned amount, the accused abused him by taking caste name, next alleges that he complained to the Sheikhpura Police Station, where accused on stamp paper gave in writing that the money would be returned within six months, next alleges that despite service of legal notice, the accused did not return his money.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant himself alleges that he was working as a driver with the accused persons including the appellant on a monthly salary of Rs.12,000/-. It is further submitted that it does not appear probable that the appellant who had employed the informant as



a driver would have taken loan of Rs.4 lacs and odd from him for the purposes of constructing his house. It is further submitted that though in the FIR it is alleged that a complaint was made to Sheikhpura P.S., where in presence of the police official, the appellant in writing on a stamp paper gave an undertaking that the money would be returned but then no such complaint was ever made before the police. It is next submitted that as far as allegation of abuse is alleged, the same is general and omnibus in nature and the occurrence of abuse did not take place in public view. It is thus submitted that even presuming what has been alleged is true without admitting then the nature of dispute is civil for which the informant ought to have moved before a court of competent civil jurisdiction for getting the lis adjudicated where appellant would have got a chance to appear and rebut his claim but then a criminal case has been instituted only with a view to coerce the appellant into submission so that appellant under fear of arrest parts with fanciful demand of the informant.

5. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the informant opposes the appeal of the appellant.

6. After hearing the learned counsel for the parties,



the appellant, above named, in the event of his arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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