

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.56 of 2025

Arising Out of PS. Case No.-2040 Year-2022 Thana- COMPLAINT CASE District- Banka

Anjay Kumar @ Anjoy Kumar @ Ajay Kumar S/O Kamta Prasad Srivastava
R/O Vill.- Babu Tola, Ward no. 7, P.S.- Banka, Dist.- Banka.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gyandeo Kumar Bharti S/O Sahdeo Das R/O Vill.- Karhariya, Ward no. 1/10, P.S.- Banka, Dist.- Banka.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 28-04-2026 1. Heard learned counsel for the appellant and
learned Spl. P.P. for the State, Ms. Usha Kumari 1.

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 22.10.2024 in A.B.P. No. 1226 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Banka in connection with Special SC/ST P.S. Case No. 39 of 2023 registered for the offences punishable under Sections 420, 406, 323 and 504 of the Indian Penal Code as well as Sections 3(x)(r) of the SC/ST Act.



3. Learned counsel for the appellant submits that from perusal of the office report dated 15.04.2026, it would manifest that the notice has been validly served on respondent no. 2, but then respondent no. 2 despite receiving notice chooses not to appear and contest.

4. It is next submitted that appellant is a person with clean antecedent and the informant alleges that he gave Rs. 7,09,000/- to the appellant to do business with a promise that the money would be returned within six months, further the appellant gave cheques on 29.05.2020 and 24.08.2021 to the informant, which on presentation for encashment bounced, accordingly, on 11.02.2022 the informant went to the house of the appellant to demand his money back, when he was abused by caste name.

5. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that even presuming what has been alleged is true without admitting then allegation of abusing by caste name is not alleged to have taken place in public view, as informant alleges that he had gone to the house of the appellant to seek his money back, when he was abused. It is also submitted that the dispute is purely civil to which a criminal



colour has been given. It is next submitted that if the cheques, on presentation for encashment bounced, the appellant will face consequences in accordance with law, but then the instant case has been instituted only with a view to coerce the appellant into submission, so that the appellant under fear of arrest parts with the fanciful demand of the informant. It is also submitted that this perhaps explains why the informant despite receiving notice chooses not to appear and contest. It is further submitted that the FIR has not been instituted under Section 138 NI Act.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 22.10.2024 in A.B.P. No. 1226 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Banka in connection with Special SC/ST P.S. Case No. 39 of 2023, **is hereby set aside** and the appellant above-named, in the event of his 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) 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 SC/ST



P.S. Case No. 39 of 2023 subject to the conditions as laid down
under Section 482 (2) of the BNSS.

8. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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