IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.826 of 2025

Arising Out of PS. Case No.-18 Year-2024 Thana- SC/ST District- Supaul

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Shambhu Kumar son of Virendra Kumar @ Birendra Kumar @ Birendra Prasad Yadav Resident Of village- Posdaha, Ward No 9, Post -Bhangahi, P.S.- Nepalganj Dist- Araria

... ... Appellant/s

Versus

1. The State of Bihar
2. Nanki Devi @ Nanaki Devi W/o Jai Narayan Sada R/o Bairiya, Tola-Mungrar P.O.- Dhabhari, P.S-Supaul, Distt.- Supaul, Bihar (852131).

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Majid Mahboob Khan, Advocate
For the Respondent/s : Mr. Binay Krishna, Special PP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

6 25-06-2026 1. Heard learned counsel for the appellant and learned Special P.P. for the State, Mr. Binay Krishna.

2. No one appears on behalf of the respondent no. 2 despite notice being validly served upon respondent no. 2, as would manifest from the office report dated 17.06.2026.

3. 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 03.01.2025 in A.B.P. No.1507 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Supaul in connection with Supaul SC/ST

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P.S. Case No. 18 of 2024 registered for the offences punishable under Sections 341, 323, 420, 120(B) and 34 of the Indian Penal Code as well as Sections 3(1) (r) (s) of the SC/ST Act.

4. Learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that Anju Devi convinced her to form a group and take loan from Microfinance Companies namely RBL Finance, Bharat Finance and L & T Finance, in which the informant would work as a team leader, it is next alleged that the said accused formed a group of several female including the informant and took them to various branches of the finance companies and obtained their thumb impression on some papers, whereupon the Branch Managers assured to disburse the loan in few days, it is next alleged that no loan was granted, but on 28.05.2023, concerned branches of the Microfinance Companies started demanding the installment amount from the members of the group, it is next alleged that Anju Devi and Birendra Mistri absconded with the amount of loan disbursed in favour of members of the women group, it is also alleged that all the accused persons including the appellant conspired and deceitfully withdrew money from accounts of the informant and other women group members, it is further alleged that when

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women of the group went to enquire, when the accused persons including the appellant hurled caste based abuses and threatened to kill.

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 from perusal of the allegation as alleged in the FIR, it would manifest that allegation against the appellant is general and omnibus in nature. It is further submitted that informant had taken a loan from IndusInd Bank under Bharat Finance Inclusion Limited of an amount of Rs. 30,854/- and the said amount was disbursed in her Account No. 100192634295 on 21.02.2023 and the informant withdrew the loan amount credited in her account from the Customer Service Point (CSP) utilizing her Aadhaar enabled payment system by verifying her finger prints. It is further submitted that from Customer Service Point, an amount of Rs. 10,000/- is only allowed to be withdrawn daily, as such, the entire sum was withdrawn in four distinct transactions. It is further submitted that informant falsely instituted the instant case, as she does not intend to reimburse the loan which was credited in her account. It is also submitted that this perhaps explains why the informant despite receiving notice chooses not

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to appear and contest.

6. Learned Special P.P. for the State opposes the appeal.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 03.01.2025 in A.B.P. No. 1507 of 2024, **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 Supaul SC/ST P.S. Case No. 18 of 2024 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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