

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29313 of 2016

Arising Out of PS.Case No. -56 Year- 2015 Thana -SC/ST PS District-
EASTCHAMPARAN(MOTIHARI)

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MOST. PUSHPA SINGH @ PUSHPA KUMARI Wife of Krishna Kumar
Singh Resident of village- Ahrauliya, P.S.- Chakiya, District- East
Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Jiyalal Mathur, son of Late Yodha Baitha of village Propparoor Colony
Bara Chakia, P.S. Chakia, East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Sri Ram Shankar Das

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 21-11-2016 Heard the counsel for the petitioner and the informant as

well as the State.

The petitioner prays for grant of anticipatory bail in
S.C/S.T. (MAT) P.S. Case No. 56 of 2015 registered under
sections 341, 323, 379, 504/34 IPC including diverse penal
provisions of the SC/SC (POA) Act, 1989.

In short, the allegation is that on the assurance that the
land belonging to the petitioner would be sold, two other accused
persons persuaded the informant to pay Rs. 2,50,000/- out of
which Rs. 2,00,000/- was deposited in the account of the petitioner
whereas Rs. 50,000/- was paid in cash. In spite of persuasion by

the informant, the land was not sold. Subsequently, a cheque of Rs. 50,000/- was given to the petitioner, but the rest amount remained with the petitioner and other co-accused. Subsequently, when the informant demanded the money, it is alleged that he was mishandled/assaulted taking the name of his caste.

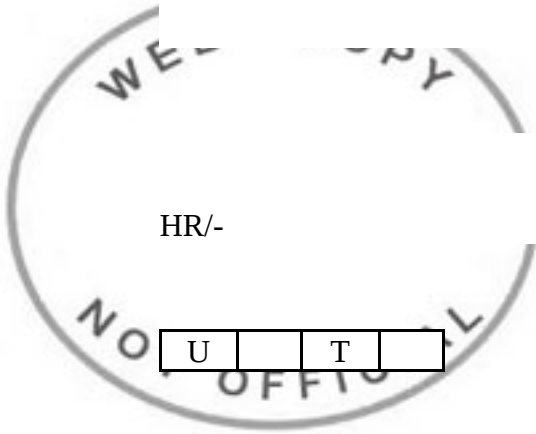
The contention of the petitioner is that the amount of Rs. 2,00,000/- was deposited in the account of the petitioner on 19.11.2010. After much delay, the case has been lodged by the informant. In the case of the petitioner, no case under SC/ST (POA) Act would be made out. Actually the amount was not received by the petitioner.

Learned counsel for the State as well as the informant, on the other hand, submit that there is an allegation of demand and payment of a sum of Rs. 2,50,000/- out of which rest Rs. 2,00,000/- was deposited in the account of the petitioner which is reflected from the bank records. It is a case of misappropriation of huge money by inducing the informant.

On a consideration of the submissions of the parties and on going through the materials on record, in my view, it is not a fit case for grant of pre-arrest bail. The prayer is accordingly rejected

If the petitioner surrenders and prays for bail, the same

shall be considered and disposed of on its own merit in accordance
with law without being prejudiced by the present order.



(Kishore Kumar Mandal, J)