

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3019 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -SC/ST District- BHABHUA (KAIMUR)

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Sanjeet Mahto @ Sanjeet Kumar Son of Kailash Prasad Resident of
Village-Rajaauan Police Station Biharsharif District-Nalanda.

.... Appellant/s

Versus

1. The State of Bihar
2. State Bank of India, Branch Bhabhua.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rabindra Prasad Singh

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 22-12-2017

Heard learned counsel for the appellant and the State.

The appellant has challenged the order dated 07.09.2017 passed by the learned Additional Sessions Judge Ist-cum-Special Judge, SC/ST Act Kaimur at Bhabua in SC/ST Reg. No. 106 of 2017, arising out of SC/ST (Bhabua) P.S. Case No. 28 of 2017 dated 08.04.2017, instituted for the offences under Sections 420, 406, 384, 504, 471, 506 and 34 of the Indian Penal Code and under Sections (i)(r)(s) SC/ST (POA) Act, whereby his prayer for being released on bail has been rejected.

It has been alleged in the FIR that the informant was made to deposit a huge amount of money on the pretext of his having won a lottery in some scheme of a firm run under the name of Naap Taul. Despite the informant having deposited money as insisted upon, he was neither given any benefit nor was he returned the money which he had invested.



Learned counsel for the appellant has submitted that the money which is alleged to have been deposited has not been credited in the account of the appellant; rather the money has been deposited in the bank account of one Pankaj Patel who has been granted bail by a Bench of this Court. It has also been submitted that on similar facts, another case was lodged against the appellant vide SC/ST Bhabua P.S. Case No. 29 of 2017, in which the appellant has been granted bail.

From perusal of the FIR as also from the impugned order there does not appear to be any allegation which would attract the mischief of any one provisions of the SC/ST Act.

For the reasons aforesaid the order dated 07.09.2017 is set aside. While saying so this Court has taken note of the fact that the appellant is in custody since 10.08.2017.

In the facts and circumstances, the appellant above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge Ist-cum-Special Judge, Kaimur at Bhabua in connection with SC/ST Reg. No. 106 of 2017, arising out of SC/ST (Bhabua) P.S. Case No. 28 of 2017.

(Ashutosh Kumar, J)

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