

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.370 of 2017

Arising Out of PS.Case No. -51 Year- 2016 Thana -SC/ST District- ARRARIA

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1. Rajiv Kumar Thakur @ Gopal Thakur @ Gopal Son of Late Shiv Kant Thakur, Resident of Village-Kursakanta Bazar, Police Station-Kursakanta, in the district of Araria, Presently Working as Clerk in the District Welfare Office, Araria

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Akhileshwar Prasad Singh, Sr.Adv.
Mr.Amrit Anunay, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 21-06-2017 The appellant seeks anticipatory bail in connection with Araria SC/ST P.S. Case No.51 of 2016 registered for the offences punishable under Sections 420, 406 and 409/34 of the Indian Penal Code and Section 3(i) (x) of the SC/ST (Prevention of Atrocities) Act, 1989.

Allegation against the appellant, as per FIR, is that Rs.7 lacs has wrongly been transferred in the account of husband of the informant and thereafter co-accused persons have threatened the informant that he will be implicated in this case and asked him to transfer the amount to the account of the appellant and as such it was transferred.

It has been submitted on behalf of the appellant that



the appellant has already returned the transferred amount to the husband of the informant as well as to the clerk of the Welfare Department and as such no case is made out against the appellant and there is nothing available on the record to show that any offence under Section 406 IPC is made out as the appellant has nowhere responsible for said transaction.

Heard learned Special P.P. also, who has opposed the prayer for bail.

Having heard both sides, in view of the facts and circumstances as stated above, let the appellant surrender in the court below and make prayer for regular bail which shall be considered on the basis of the submissions made above and the learned court below shall pass appropriate order without being prejudiced by the present order, if possible on the same day.

Accordingly, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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