

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.758 of 2017

Arising Out of PS.Case No. -630 Year- 2012 Thana -SITAMARHI District- SITAMARHI

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S.K. Prasad @ Sri Krishna Prasad @ Krishna Prasad, son of late
Rameshwar Prasad, resident of mohalla-Saristabad Road, south of Kachi
Talab, P.S.-Gardanibagh, Town and District-Patna.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Tripurari Nath Amastha

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 21-06-2017

The appellant seeks anticiaptory bail in connection
with Sitamarhi P.S. Case No.630 of 2012 registered for the
offences punishable under Sections 407, 468, 406, 420 and 120B
of the Indian Penal Code and Section 3(1) (x) of the SC/ST
(Prevention of Atrocities) Act, 1989.

Allegation against the appellant is that he along with
other accused persons established a company and has taken huge
amount from the complainant and others for getting them
employed, but they have not been employed. When the
complainant went to the house of co-accused Mukesh Kumar to
enquire into the matter, he was abused by taking caste name.

It has been submitted on behalf of the appellant that
there is no material available on the record to show that the
appellant was actively participated in any manner in the alleged



forgery and mischief. So far allegation under SC/ST Act is concerned, the same is against the other accused persons and not against the appellant and the appellant is aged about 90 years.

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

Having considered the submissions made above and on perusal of the complaint petition it does not appear that the appellant in any manner actively associated with the company and further there is no prima case is made out against the appellant under SC/ST Act, as such, this appeal is allowed, impugned order is set aside, the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi, in connection with Sitamarhi P.S. Case No.630 of 2012, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The appellant will not induce any witness or tamper with the evidence.
- (ii) The appellant shall cooperate in the disposal of



trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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