

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1090 of 2017

Arising Out of PS.Case No. -68 Year- 2013 Thana -KATORIA District- BANKA

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1. Kundan Mishra, son of Madhusudan Mishra, resident of Village- Daliya, P.S.- Bounsi, District- Banka.
 2. Anand Mohan Pandey, son of Late Raghu Nandan Pandey, resident of Mohalla- Hanuman Nagar, Road No.-06, Sanjay Gandhi Colony, P.S.- Patrakar Nagar, District- Patna.
 3. Usha Ojha, wife of Sandeep Ojha, resident of Village- Sabalpur, P.S.- Parpaiti, District- Bhagalpur.
 4. Surendra Yadav, son of Shaligram Yadav, resident of Village- Basmatta, P.S.- Katoria, District- Banka.
 5. Sujit Kumar Ghosh, son of Nitya Kumar Ghosh, resident of Village- Babu Tola, P.S.+District- Banka.

.... Appellant/s

Versus

1. The State of Bihar.
2. Jairam Murmu, son of Mahalal Murmu, resident of Village- Baghapatti, P.S.- Katoriya, District- Banka.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar Singh
For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 29-06-2017 The appellant seeks pre arrest bail in connection with Katoria P.S. Case No. 68 of 2013 registered for offences punishable under Sections 406, 420, 465, 467, 468 and 120 of the Indian Penal Code and Sections 3(1)(x) SC/ST Act.

Allegation against the appellant is that they purchased a land from the informant but they did not pay the money and thereafter they gave a cheque of different banks in favour of complainant, but cheque was dishonored due to insufficient fund. Appellant no. 1 used abusive language taking his caste name.

It has been submitted on behalf of the appellant that with respect to



purchase of land now the co-accused had undertaken to return the money which appear from the order dated 10.1.2014 passed by the Judicial Magistrate, Banka in Katoria P.S. Case No. 68 of 2013, which would appear from the Annexure-3 and also from the petition being filed by the informant in the court of CJM, Banka.

Heard learned Special P.P. also.

Having heard both sides, in view of the fact that a prima facie case under the above mentioned Section of SC/ST Act is made out against the appellant, as such, this appeal is not maintainable.

Let the appellant surrender before the special court and make prayer for regular bail and if any such application is filed, the special court shall verify the submission of learned counsel for the appellant about undertaking by accused co-accused to return the money and considering the above fact and no specific overt act has been attributed to him, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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