

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2844 of 2017

Arising Out of PS.Case No. -9 Year- 2017 Thana -SC/ST District- BHOJPUR

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1. Nitu Singh w/o Sri Arjun Singh r/o Village Gahmar, P.S. Gahmar, District Gajipur (U.P) at present residing at near the Lane of Ara Nawada State Bank, P.S. Nawada Ara, District Bhojpur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Harsh Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-11-2017 Heard the parties.

The appellant seeks pre arrest bail in SC/ST P.S. Case No.09 of 2017 registered for the offence under Section 448, 341, 323, 354, 420, 406, 504, 506/34 of the I.P.C. AND Section 3(1)®,(s)/ 3(2)(va) SC/STAct.

Allegation against the appellant is that she has taken Rs.6,45,000/- from the informant on the assurance that the said amount will be increased Rs.7,00,000/- and after completion of the three years when the informant demanded her money, the appellant refused to return her money. It is further alleged that when the informant went to the house of the appellant and asked to return her money, the appellant and her brother assaulted her



and also abused by calling her caste name.

Submission of the learned counsel for the appellant is that there is delay in lodging the F.I.R. by six months and further more when the appellant filed a complaint against the informant and others bearing Complaint Case No.209/17 in order to save her skin the present case has been filed by the informant. It has also been submitted that even according to the F.I.R, the occurrence of abusing occurred at the place of darwaza and not at public view.

Heard learned A.P.P.as well as the informant also who opposed the prayer on the ground of allegation of abusing by caste name and also taking Rs.6/- lacs and refused to return the same.

Having heard both sides and in view of the facts and circumstances, as stated above, the appeal is allowed. Let the appellant, above named, in the event of her arrest or surrender before the court below within six weeks from today be enlarged on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of Sessions Judge, Bhojpur,Ara, in ST/ST P.S. Case No.9/17 of 2017 subject to the conditions that (1) one of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned court. (2) The petitioner will not induce any witness or tamper with the evidence. (3) The appellant



shall co-operate in disposal of trial and make himself available as and when required by the court. In the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

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