

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1273 of 2017

Arising Out of PS.Case No. -97 Year- 2016 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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Jai Kishrna Sah @ Jai Kishan Sah @ Jai Krishna Sao Son of Late Jethumal
Sah @ Jethumal Sao, R/o Village- Baro Kadir Chak- Gachhi Tola, P.S.-
Fulwaria, District- Begusarai.

.... Appellant/s

Versus

1. The State of Bihar.
2. Ram Suresh Rajak, Son of Late Baleshwar Rajak, R/o Village- Baro
Kadir Chak - Gachhi Tola, P.S.- Fulwaria, District- Begusarai.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shubhesh Pandey, Adv.

For the Respondent/s : Sri Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 30-06-2017 This appeal is for grant of regular bail in connection
with Complaint Case No. 97C of 2016 registered for the offences
punishable under sections 406, 420, 323, 504/34 of the Indian
Penal Code and section 3(I) (5) of the SC/ST (POA) Act.

Allegation against the appellant and he introduced the
informant to one co-accused in connection with purchase of the
land and thereafter, the co-accused has taken advance of
Rs.1,00,000/- from the complainant. The appellant is the witness
of the aforesaid payment and later on, Rs. 4,50,000/- has also been
paid to the co-accused. The appellant is the witness of that amount
also. There is also allegation against the appellant that he in



collusion with the co-accused had not get sale deed executed and possession of the land delivered.

It has been submitted on behalf of the appellant that so far as allegation against the appellant is that he is only introducer and witness of the aforesaid payment and apart from that there is nothing against him and the co-accused has already filed an application to return the aforesaid amount to the informant.

Heard learned Special Public Prosecutor also.

Having heard both sides and in view of the fact that the petitioner is only witness, as stated above, this appeal is allowed and the impugned order is set aside.

Let the appellant, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/-(Rs. Twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge-SC/ST Act, Begusarai in Complaint Case No. 97C of 2016, 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 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 rhyme or reasons, the prosecution will have liberty to move for cancellation of his bail.

- (iii) The appellant will not induce any witness or tamper with the evidence.

(Vinod Kumar Sinha, J)

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