

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1753 of 2017

Arising Out of PS.Case No. -180 Year- 2016 Thana -PATRAKARNAGAR District- PATNA

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Asish Kumar S/o Shri Manoj Kumar Ambastha, Resident of Mohalla- East
Chitra Gupta Nagar, Kanti Factory Road, P.S.- Patrakar Nagar, District-
Patna.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 This appeal is for grant of bail in connection with

Patrakar Nagar P.S. Case No. 180 of 2016 registered for the

offence under section(s) 420/406 of the Indian Penal Code and

section(s) 3 (i) (x) of the SC/ST (POA) Act.

Submission of the learned counsel for the appellant is

that as a matter of fact, the mother of the appellant has initiated for

purchase of some land with the informant and for that, she paid

some amount to him which will appear from the FIR itself,

however as there was some dispute, she later on refused to

purchased the land and demanded the money. The FIR itself

shows that though some cheques have been issued in the name of

the mother and out of that, two cheques have been encashed and

two cheques bounced for which mother/brother of the appellant



lodged complaint against the informant on 20.06.2016 and on 02.07.2016 and thereafter, the present case has been lodged by the informant. It has further been submitted that though there is an allegation of abusing by taking the caste name of the informant, but FIR itself shows that the occurrence took place inside the house, as such, no case under section 3 (i) (x) of the SC/ST (POA) Act, is made out.

Heard learned Special Public Prosecutor also. Learned Public Prosecutor has opposed the prayer for bail of the appellant stating that as the appellant was not ready to give the receipt of the cheques given by the informant, money was stopped by the informant and there was no intention for blocking the encashment and further raised allegation against the appellant of abusing the informant by taking his caste name.

Having heard both sides and in view of the facts and circumstances of the case that the allegation is of abusing inside the house, this appeal is allowed and the impugned order is set aside.

Let the appellant, above named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt or production of a copy of this order, 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 (POA) Act, Patna in connection with Patrakar Nagar P.S. Case No. 180 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 will not induce any witness or tamper with the evidence.
- (iii) 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.

(Vinod Kumar Sinha, J)

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