

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2391 of 2017

Arising Out of PS.Case No. -14 Year- 2017 Thana -SC/ST District- BHABHUA (KAIMUR)

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1. Vinod Kumar Gupta Son of Bheekhi Shah, R/o Bhabua Ward No. 11,
P.S.- Bhabua, District- Kaimur, Bhabua.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Radha Mohan Pandey

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 13-10-2017

Heard the parties.

The appellant seeks regular bail in connection with a case, registered for the offences punishable under Sections 406, 420, 504 and 506 of the Indian Penal Code and Section 3 (1) (r)(s) of SC/ST Act.

Allegation against the appellant is that he has purchased paddy from the informant and Rs.6,04,000/- was due with the appellant and thereafter he issued a chque of Rs.5,04,000/- and assured to pay the remaining amount. The informant went at the house of the appellant and on one pretext or the other the appellant asked to return the cheque and after taking the cheque he torn the same.

Submission of the learned counsel for the appellant is



that the FIR is vague and the appellant has falsely been implicated in this case even cheque number and date of issuance of cheque has been mentioned in the FIR and as a matter of fact that one Deomuni Shah was the Munshi of the appellant who used to issue cheque and in collusion with the said Munshi the present case has been lodged. So far criminal antecedent is concerned, it submitted that he is on bail. The appellant is in custody for more than a month.

Heard learned Special P.P. and learned counsel for the informant also and they have opposed the prayer for bail of the appellants.

Having heard both sides in view of the above facts and circumstances, this appeal is allowed and impugned order dated 21.07.2017 passed by the learned Additional Sessions Judge, 1st, Kaimur at Bhabua passed in SC/ST Registration No. 47 of 2017 arising out of Bhabua SC/ST P.S. Case No. 0014 of 2017 is set aside.

Let the appellant above named be released on bail on furnishing bail bond of Rs.. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st, Kaimur at Bhabua in connection with SC/ST Registration No.47 of 2017 arising out of Bhabua



SC/ST P.S.Case no. 0014/2017, subject to the following conditions:

(i) One of the bailors of the appellant shall be 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 co-operate in the disposal of the trial and make himself available as and when required by the court concerned 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 will be free to move for cancellation of his bail bonds.

However, the trial court is directed to expedite the trial and try to conclude the same, preferably within a period of six months from the date of receipt/ production of a copy of this order.

(Vinod Kumar Sinha, J)

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