

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.204 of 2018

Arising Out of PS.Case No. -292 Year- 2017 Thana -BUDDHACOLONY District- PATNA

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1. Agam Kumar @ Agam Kumar Umang, Son of Sri Rajendra Muni Lal @ Muni Lal, Branch Manager, Nirmal Bang Commodities Private Limited, Having its Office at 304/305, Grand Plaza, P.S.- Kotwali, District- Patna- 800001 (Bihar).

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhanendra Chaubey

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 03-04-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned Special Judge, S.C. & S.T.-cum-5th Additional Sessions Judge, Patna in Buddha Colony P.S. Case No. 292 of 2017 registered under Sections 406, 420, 504, 506/34 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.

The FIR would reveal that main allegation is against co-accused Bhagirath Sharma to have persuaded time and again to the informant to deposit money with Nirmal Bang Commodities



Private Limited, a non-financial organization. Allegation against the appellant is that he was Manager when the informant went to open an account and deposit money with the said limited company. The refund cheque was issued by the company.

Submission is that another case was lodged by some different person vide Buddha Colony P.S. Case No. 304 of 2017 wherein the appellant was allowed anticipatory bail by a Coordinate Bench of this Court vide order dated 11.01.2018 passed in Cr. Misc. No. 704 of 2018.

Learned counsel for the informant opposed the prayer for bail on the ground that the appellant was also in collusion with Bhagirath Sharma and the refund cheque was issued at the instance of this appellant.

Considering the entire facts aforesaid as well as the fact that there is no substantial allegation against the appellant for the purpose of this application, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

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