

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3891 of 2018

Arising Out of PS.Case No. -18 Year- 2018 Thana -SC/ST District- SAMASTIPUR

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1. Suresh Singh S/o Rameshwar Singh, resident of Village- Tajpur, Rajdhani Road
Surat Shari Centre, P.S. Tajpur, District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bijay Bhushan Prasad, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-11-2018

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 against the refusal of prayer for bail vide order dated 23.08.2018 passed by the learned Special Judge (S.C./S.T. Act), Samastipur, in connection with SC/ST Police Station Case No.18 of 2018, registered under Sections 341/504/506/406/420 of the Indian Penal Code and Section 3(i)(x)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is that he sold away a land to the informant which was already mortgaged with the Bank and suppressed the factum of mortgage.

Learned counsel for the informant submits that later on informant had to pay the mortgaged amount to the bank to save his land.



The informant was also negligent to the extent that he did not see the original sale-deed at the time of purchase of the land. However, the appellant is ready to refund the loan amount referred in the FIR in three monthly installments. The first installment shall be furnished within a month of release of the appellant from custody in this case.

Considering the aforesaid fact, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (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, with condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant. **If the appellant would fail to refund the amount that would be a ground for cancellation of bail by the learned Court-below itself.**

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

(Birendra Kumar, J)

Mkr./-

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