

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3169 of 2018

Arising Out of PS.Case No. -418 Year- 2017 Thana -RUPASPUR District- PATNA

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1. Smt. Seema Kumari wife of Sri Rajiv Kumar resident of At & P.O. - Bhatahar,
P.S. - Tharthari, District - Nalanda.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Chandra Shekhar, Adv

For the Respondent/s : Smt. Usha Kumar No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-09-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by order dated 08.06.2018 in A.B.P. No.3513 of 2018 passed by the learned Special Judge (S.C./S.T. Act)-cum-Additional Sessions Judge-V, Patna, in connection with Rupaspur Police Station Case No.418 of 2017 (Special Case No.799 of 2017) registered under Sections 406/420 of the Indian Penal Code and Sections 3(i)(n) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR has been lodged against co-accused Sanjay Kumar Singh and Sanjay Kumar Singh has already been



allowed anticipatory bail by this Court, vide Annexure-5, considering the merit of the case.

The appellant is not named in the FIR. Hence, submission of the learned counsel for the appellant is that the case of the appellant is on better footing to that of Sanjay Kumar Singh.

Learned counsel for the informant opposed the prayer on the ground that in fact the appellant had entered into an agreement to sell with the informant, vide Annexure-2, and on receipt of part consideration money he declined to get the sale deed executed. As such, real cheater is appellant.

However, it is not explained as to under what circumstances in the FIR there is no reference of the agreement at Annexure-2. Hence, in my view, the appellant deserves anticipatory bail.

Accordingly, let the appellant, above named, in the event of her 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 bonds 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, 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/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 appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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