

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2198 of 2018

Arising Out of PS. Case No.-95 Year-2018 Thana- KOTWALI District- Patna

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Surendra Kumar, Son of Rang Bahadur Singh @ Rang Bahadur Prasad Gupta,
resident of Village- Bind Ambika Apartment, Manas Marg, Road No. 2,
Shivpuri, Flat No. 405, P.S. Shastrinagar, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Lakshmi Kant Sharma

For the Respondent/s : Smt. Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A(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 regular bail vide order dated 30.05.2018 passed by the learned Additional Sessions Judge-V-cum-Special Judge, S.C./S.T. Act, Patna in Special Case No.83 of 2018, arising out of Kotwali Police Station Case No.95 of 2018 registered under Sections 409, 420, 120B of the Indian Penal Code as well as Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



There was an agreement between the parties for transfer of land. The appellant had received consideration money from the informant, however, the quantum is disputed.

After some argument, the appellant is ready to pay back Rs.11,30,000/- (Rupees Eleven Lacs and Thirty Thousand) which he received through cheques as well as Rs.5,20,000/- (Rupees Five Lacs and Twenty Thousand) which the appellant received in cash and make endorsement of the aforesaid effect on the plain paper which has been enclosed as part of the agreement paper. The total payable amount which is aggrieved by the appellant is Rs.16,50,000/- (Rupees Sixteen Lacs and Fifty Thousand). The parties have verbally agreed that after refund of the aforesaid amount which should be either through bank draft or online transfer from account to account, the complainant would withdraw the complaint with remedy to pursue the matter in civil side, if so advised. The appellant further agreed to pay Rs.3,00,000/- (Rupees Three Lacs) out of the aforesaid amount within two months after his release on bail. The remaining amount shall be payable within a year, thereafter.

Considering the aforesaid observation, let the appellant, above named, 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 learned court below where the case is pending in connection with the aforesaid case. If the appellant fails to comply the aforesaid undertaking within aforesaid time frame, 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)

abhishek/-

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CAV DATE	
Uploading Date	
Transmission Date	

