

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2593 of 2018

Arising Out of PS.Case No. -243 Year- 2017 Thana -EKMA District- SARAN

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1. Vijay Kumar Pandey S/o Late Chhabinath Pandey, R/o Vill.- Ekma, P.S.- Ekma,
District- Saran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-08-2018

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 regular bail vide order dated 31.05.2018 in Ekma P.S. Case No. 243 of 2017 passed by the learned Special Judge S.C./S.T. (POA) Act, Chapra in connection with the aforesaid case registered under Sections 406, 420, 323, 504, 384 of the Indian Penal Code, Section 138 of the Negotiable Instrument Act as well as Section 3(i)(r) of the SC/ST Act.

The complaint based FIR would reveal that allegation is that the complainant executed a registered sale deed on 01.12.2016 in favour of appellant and appellant paid consideration money in cash as well as through cheques. The issued cheques bounced. Thereafter



legal notice was given. However, money was not paid, as such, complainant was found cheated by the appellant.

Submission is that the appellant has stated on oath that no sale deed was ever executed by the complainant in favour of the appellant in spite of the fact that there was an agreement to sell with the appellant. Rather, the informant executed the sale deed in favour of some other persons when appellant demanded refund of consideration money, just to pressurize, present false case has been lodged.

Learned counsel for the informant opposed the prayer for bail.

Considering the submission of learned counsel for the appellant, 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, subject to the 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 with further condition that if the complainant would produce any registered sale deed said to be executed by the appellant prior to this complaint that would be ground for cancellation of bail for suppression of fact.



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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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