

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1866 of 2018

Arising Out of PS. Case No.-17 Year-2018 Thana- SC/ST District- Rohtas

=====

Sunil Kumar @ Sunil Kumar Singh, Son of Sri Ram Wakil Singh, Resident of
Village- Ram Nagar, P.S.- Nokha, District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Vinay Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 14-12-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 16.04.2018 passed by the learned Additional Sessions Judge-I, Rohtas at Sasaram, in A.B.P. No.496 of 2018, arising out of Dehri SC/ST Police Station Case No.17 of 2018, registered under Sections 420/406/409/323/120B/504/506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

This case was lodged by Ram Nagina Ram, the local Panchayat Secretary, against the appellant, who is local



Mukhiya, alleging therein that by putting forged signature of the Panchayat Secretary the appellant had withdrawn public money from the bank account and misappropriated it. The matter was inquired by the Bank and it was found that it was a joint account in the name of the informant and the appellant and by joint signature money was withdrawn. Thereafter, Block Development Officer lodged Nokha P.S. Case No.56 of 2018 against the informant of this case Ram Nagina Ram.

When the informant challenged his signature on the encashed cheques, the Superintendent of Police was directed to get the admitted signature of the informant compared with his signature on the cheques, which were encashed. On forensic examination it revealed that the signature on the cheques said to be of the informant was not of the informant. Therefore, evidence is stronger against the appellant.

After some argument, learned counsel for the appellant submits that the appellant is ready to refund the entire amount of Rs. 2,37,000/- (Rupees two lacs thirty-seven thousand only) in three monthly installments. The first installment shall be refunded through bank draft before filing of the bail-bonds.



Considering the aforesaid undertaking of the appellant, let the appellant be released on **provisional pre-arrest 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.

The provisional bail shall be confirmed by the learned Court-below if the entire amount is refunded within the aforesaid period. The Court-below shall not entertain any prayer for extension of time to refund the money.

Accordingly, the impugned order is set aside and appeal stands disposed of.

Mkr./-

(Birendra Kumar, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.12.2018
Transmission Date	18.12.2018

