

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.320 of 2019**

Arising Out of PS. Case No.-78 Year-2018 Thana- SC/ST District- Rohtas

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1. Pramod Sah @ Pramod Kumar Sah @ Pramod Kumar s/o-Sadhu Sah R/o village-Sindhauilli , Thana/P.S- Dalmiyanagar District -Rohtas
 2. Vijay Kumar Gupta @ Vijay Kumar Sah Son Of Late Dasharath Sah R/o village- Tumba , Post- Ramdehri, Thana /P.S-Rohtas District -Rohtas

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Kumar

For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 28-02-2019

The appellants seek pre arrest bail in connection with SC/ST Dehri P.S. Case No. 78 of 2018, registered for offences punishable under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and Section 3 (i)(r)(s) of SC/ST Act.

Allegation against the appellant no. 1 is that he has taken loan of Rs. Four lakhs from the informant and not returning the same, for which, there was a panchayati, in which, the appellant no. 1 admitted that he would pay the entire amount but the same was not paid. Thereafter, the appellants called the informant to their house and abused her by caste name.

It has been submitted on behalf of the appellants that the agreement, which is annexure -2 of supplementary affidavit, clearly shows that the amount was taken by one Nand Lal Gupta through



appellant no. 1, as such appellant no. 1 is not liable to pay any amount to the informant and other allegations have been made only with a view to get the money.

Heard learned Special P.P. also as well as learned counsel for the informant, they have opposed the prayer for pre arrest bail. Learned counsel for the informant has submitted that in the Panchayati, appellant no. 1 has agreed to return the money of the informant in installments but did not return the same and when the informant asked her money, appellants abused her by caste name.

Having heard both sides, considering the facts and circumstances of the case and also the fact that from the agreement (annexure -2 of the supplementary affidavit), it appears that the appellant no. 1 is the recipient of the money, as such, so far appellant no. 1 is concerned, he is directed to surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order and pray for regular bail and if he is ready to pay the entire amount of four lakhs in six months in three equal installments, the court below shall consider the prayer for bail of appellant no. 1 and dispose of the same, if possible on same day.

So far appellant no. 2 is concerned, considering the facts and circumstances of the case, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five



Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge -I, Rohtas (Sasaram), in connection with Dehri P.S. Case No. 78 of 2018, subject to the conditions laid down under Section 438 (2) of Cr.P.C.

Accordingly, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

