

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4715 of 2018

Arising Out of PS. Case No.-45 Year-2017 Thana- SC/ST District- Madhubani

Nabi Hassan @ Md. Nabi Hassan, S/o Mustkim @ Mustkim Khan, R/o Vill.-
Laukaha, P.S.- Laukaha, District- Madhubani.

... .. Appellant

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Gagan Deo Yadav, Advocate
For the Respondent/s : Mr.Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 22-02-2019

This appeal is for grant of pre-arrest bail to the appellant against the order dated 5.10.2018 passed by Additional Sessions Judge-I-cum-Special Judge, Madhubani, in A.B.P. No. 1470 of 2017 filed by the appellant by which learned Special Judge has rejected prayer for pre-arrest bail of the appellant, who has been made accused in Madhubani SC/ST Case No. 45 of 2017, registered under Sections 341, 323, 379, 420, 406 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is that he has taken Rs.70,000/- with assurance to return the same within six months but he has not returned the same and in spite of demand of informant he abused him and taken his signature on a blank paper.

Submission of learned counsel for the appellant is that there is no chit of paper to show that he has taken money from the informant and as such the whole allegation is false and concocted.

Heard learned Special P.P.



Having heard both sides and in the facts and circumstances, let the appellant, named above, be released on bail, in the event of arrest or surrender, on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, Madhubani, in connection with Madhubani SC/ST case No. 45 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellant shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

Accordingly, the appeal is allowed and the impugned order dated 5.10.2018 is set aside.

(Vinod Kumar Sinha, J)

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Uploading Date	
Transmission Date	

