

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4193 of 2018

Arising Out of PS. Case No.-4 Year-2018 Thana- SC/ST District- Gaya

Sanket Kumar @ Mahipal Singh, Son of Late Ashok Kumar Singh @ Ashok Singh, Resident of Village- Palakiya, P.S.- Sherghati, District- Gaya.

... .. Appellant/s

Versus

1. State Of Bihar and Anr
2. Rajendra Prasad, Son of Shri Manki Ram, resident of Village- Gola Bazar, Sheikhpura, P.S.- Sherghati, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arvind Kumar Singh
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 29-01-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 01.08.2018 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 170 of 2018 arising out of Gaya Sadar ST/SC P.S.Case No. 04 of 2018 registered under Sections 323, 341, 406, 420, 467,468,471, 472 and 504/34 of the Indian penal Code and Sections 3(i)(r)(s)(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per the FIR is that informant has purchased a piece of land on consideration amount of Rs. 6 lacs through mediator, the appellant, and he paid Rs. 2,35,000/- in cash to him and later on, rest amount has also been given but neither the sale deed was executed nor money was returned to him.

Submission of learned counsel for the appellants is that



informant was not ready to accept money through cheque and as he is a Government employee and as such he has withdrawn Rs. 4,15,000/- from the bank which appears from Annexure-2 series and gave the amount to the informant and nothing is due with the appellant. He submits that appellant has falsely been implicated in this case.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant, in the event of 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, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 170 of 2018 arising out of Gaya Sadar ST/SC P.S.Case No. 04 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to him.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

