

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3405 of 2019**

Arising Out of PS. Case No.-553 Year-2018 Thana- ARA NAGAR District- Bhojpur

Jay Shankar Pathak Son of Late Parmeshwar Pathak Resident of Village -
Birampur Kritpura, P.S.- Koilwar, District- Bhojpur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gopal Govind Mishra
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 15-10-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 03.05.2019 passed by learned 1st Addl. Sessions Judge, Bhojpur, Ara in Ara Town P.S. Case No. 553 of 2018 registered under Sections 420, 406 and 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

At the instance and assurance of the appellant, who happens to be agent of D.J.N. Company and other accused persons to get the lucrative interest on deposit money in the said company, informant deposited Rs. 1,20,000/- through the appellant in the said company against receipt. Later on, she also got message about escalation of the money deposited by her in



the said company. But after sometime on need when she approached the company she found the aforesaid company closed and when she approached the appellant, he made her to leave the place slating her in the name of her caste.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He happens to be agent of the said company. He accorded the informant receipt issued by the said company after depositing the said money in the company but, said company cheated their consumers including the appellant and misappropriated and fled away with their money. For which, appellant has also lodged Ara Town P.S. Case No. 5 of 2017 against the said company. There is no allegation of slating the informant in the name of her caste against the appellant. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like



amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Bhojpur, Ara in connection with Ara Town P.S. Case No. 553 of 2018, SC/ST Case No.228/2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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