

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3886 of 2019

Arising Out of PS. Case No.-459 Year-2018 Thana- CIVIL LINE District- Gaya

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AJIT KUMAR Son of Late Ramashish Prasad Resident of village- Teusa,
P.S.- Atari, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

2 13-09-2019 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 bail vide order dated 31.07.2019 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in Civil Lines P.S. Case No. 459 of 2018 registered under Sections 420, 379 and 504 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

Appellant is said to have transferred Rs.21480/- in his own account by Net Banking by means of ATM card of the informant and on learning the same when the informant demanded his aforesaid money, appellant gave threatening and slated him in the name of his caste on mobile phone.



It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, informant happens to be colleague of the appellant and on demand of money showing his pressing need, appellant had given Rs.50,000/- as loan to him. Out of the aforesaid money, informant has returned back Rs. 21480/- to him by net banking in his account and on demand of the rest money by the appellant, he has filed this false and frivolous case against the appellant. As the transaction is said to have been made by net banking, so without the knowledge of OTP which is reflected in the mobile of the account holder only, no amount can be transferred from the account of its holder to some other person. There is inordinate delay of 1 month 16 days in lodging the F.I.R. without assigning any explanation for the same. The place of slating the informant is not mentioned in the written report of the informant. Appellant has no criminal antecedent and has been languishing in custody since 17.07.2019.

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

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Civil Lines P.S. Case No. 459 of 2018.

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

(Prakash Chandra Jaiswal, J)

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