

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4933 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- DIGHWARA District- Saran

ABHISHEK KUMAR Son of Ranjan Patel Resident of - Devi Mandir, Club Road, Ramna, P.S.- Mithanpura, District- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satya Prakash

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-12-2019 Appellant seeks pre-arrest bail in connection with Dighwara P.S.Case No. 11 of 2019 registered for the offences punishable under Sections 341, 323, 406, 420, 467, 468, 506, 379/34 of the Indian Penal Code and Sections 3(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case is that informant purchased a vehicle and paid some amount through R.T.G.S. and 3-4 instalments were due and it further appears that staff of Mahindra and Mahindra Finance Company came and took away the said vehicle by saying that instalment of the vehicle is due and when informant reached at the house of appellant, who Agent, the accused persons abused him by caste name and also extended threat to him.

Submission of learned counsel for the appellant is that as some instalments were due, the vehicle was lifted by employees of Mahindra and Mahindra Finance Company, as such no case under



Section 3(v) of SC/ST Act is made out.

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail of the appellant stating that appellant has taken money for purchase of the vehicle and in spite of that his vehicle was lifted.

Having heard both sides and in the facts and circumstances, as stated above, let appellant, named above, surrender in the court below within a period of six weeks from the receipt of this order and on surrender he shall be released on bail 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 (SC/ST Act), Saran at Chapra, in connection with Dighwara P.S. Case No. 11 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions are that one of the bailors of the appellant shall be a local person having sufficient immovable properties within the jurisdiction of court concerned.

Accordingly, this appeal is allowed and the impugned order dated 22.8.2019 is set aside.

(Vinod Kumar Sinha, J)

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