

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1087 of 2021**

Arising Out of PS. Case No.-44 Year-2020 Thana- AKBARPUR District- Nawada

Ram Swaroop Yadav Son of Late Mohan Yadav Resident of Village - Budhua
Kala, P.S.- Akbarpur in the district of Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar
For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 01-03-2021 Heard learned counsel for the parties.

The present appeal has been filed against order dated 19.12.2020 passed by learned A.D.J.-I cum Special Judge, SC/ST Act, Nawada in Special Case No. 20 of 2020, arising out of Akbarpur P.S. Case No. 44 of 2020 registered for the offence punishable under Sections 419, 420, 467, 468, 471, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of SC/ST Act, whereby the prayer for bail of appellant was rejected.

As per the prosecution case, the informant issued a cheque of Rs. 28,000/- (twenty eight thousand) in the name of petitioner against the cost of five thousand bricks, but petitioner in connivance with co-accused Manoj Yadav made manipulation in said cheque and withdrew Rs. 1,28,000/- instead of Rs. 28,000/-. It is further alleged that when informant demanded his one lac rupees, then petitioner and co-accused threatened and



abused him by his caste name.

It is submitted on behalf of appellant that appellant has been falsely implicated in this case and no case under SC/ST Act is made. It is apparent from perusal of FIR that aforesaid cheque was handed over to co-accused Manoj Yadav by informant. It is further submitted that now, matter has been compromised and to this effect, a compromise petition has already been filed on 10.12.2020 before the court below. Copy of the same has been annexed as Annexure-2. The appellant is in custody since 09.12.2020, having no criminal antecedent.

Considering the aforesaid fact, nature of allegation and material available on record, the impugned order dated 19.12.2020 passed by learned A.D.J.-I cum Special Judge, SC/ST Act, Nawada in Special Case No. 20 of 2020, arising out of Akbarpur P.S. Case No. 44 of 2020 is set aside and appeal is allowed.

Accordingly, let the appellant, above named, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-I cum Special Judge, SC/ST Act, Nawada in connection with Special Case No. 20 of 2020, arising out of Akbarpur P.S. Case No. 44 of 2020, on following



conditions:

“(1) Appellant shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.
(2) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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