

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1192 of 2021

Arising Out of PS. Case No.-47 Year-2019 Thana- SAKRI District- Madhubani

SUJIT KUMAR JHA, Son of Harishchandra Jha, R/o North Behat
(Jhanjharpur), Durgasthan, P.O.- Behat, P.S.- Lakhsaur, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Chandan Kumar Kashyap, Advocate.
For the Informant	:	Mr. Sanjay Kumar Jha, Advocate.
For the State	:	Mr. Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 25-03-2021 Let the defects be removed within four weeks.

Heard the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 28.09.2020 passed by the learned 1st Addl. Sessions Judge cum Special Judge, Madhubani in Sakari P.S. Case No. 47 of 2019 registered under Sections 323, 341, 505, 506, 120B, 406 and 420 of the Indian Penal Code and Sections 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to complaint petition, the informant gave rupees two lacs and fifty thousand through cheque to the



appellant and another rupees two lakhs fifty thousand in cash for providing job in a foreign country on allurement of the appellant.

There is no material to substantiate that the appellant was so powerful or having approach in foreign countries to manage job, hence the informant acted in a casual manner, moreover persuaded for back door entry. Hence the informant does not deserve protection in criminal case. However the informant would be at liberty to recover the money, if permissible in a civil proceeding.

Learned counsel for the informant opposed the prayer for bail on the ground that the appellant has got an identical criminal antecedent.

Considering the facts of this case, let the appellant, above named, who is in custody since 23.06.2020, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.



(b) The appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.

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

(Birendra Kumar, J)

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