

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1137 of 2021**

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

Kamal Kumar Paswan @ Kamal Kumar @ Kamal Paswan Son of Late Bindeshwar Paswan R/o village- Brahmotra (Brahmottra), Pandaul, P.S.- Sakri, District- Madhubani

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No 13

For the Respondent/s : Mr. Special P.P.

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

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

The present appeal has been filed against order dated 11.09.2019 passed by learned A.D.J.-I cum Special Judge, Madhubani, in G.R. No. 47 of 2019, arising out of Sakri P.S. Case No. 47 of 2019, registered for the offence punishable under Sections 323, 341, 505, 506, 120(B), 406, 420 of the Indian Penal Code and Section 3(i)(s) of SC/ST Act, whereby the prayer for bail of appellant was rejected.

As per the prosecution case, this appellant is alleged to have introduced the informant to one Sujit Kumar Jha, whom the informant paid Rs. Five lacs in two installments by cheque for providing him job.

It is submitted on behalf of appellant that only allegation against this appellant is that he introduced the



informant with co-accused Sujit Kumar Jha, who is alleged to have taken money from the informant. The appellant has neither received any money nor the said cheques were issued in his favour. It is further submitted that appellant himself belongs to Scheduled Caste category and as such, no case under the SC/ST Act is made out against him. The appellant is in custody since 10.06.2020. Chargesheet has already been submitted.

However, learned Special P.P. as well as learned counsel for the informant have vehemently opposed the appeal. It is submitted by counsel for the informant that it is this appellant, who introduced the informant with co-accused Sujit Kumar Jha, who has taken money from informant for providing him job.

Considering the aforesaid facts & circumstances as well as nature of allegation, the impugned order dated 11.09.2020 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) with two sureties of the like amount each to the satisfaction of learned A.D.J.-I cum Special Judge, Madhubani, in connection with G.R. No. 47 of 2019, arising out of Sakri P.S. Case No. 47 of 2019, 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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