

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3033 of 2021

Arising Out of PS. Case No.-535 Year-2020 Thana- ISLAMPUR District- Nalanda

AMITESH RANJAN RAY S/O ANIL RAY R/o village- Milki Mahbari, P.S.-
Islampur, District- Nalanda

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Singh, Advocate Mr. Anil Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-08-2021 Heard Mr. Rajesh Singh, learned counsel for the appellant and Mr. Sadanand Paswan, learned Spl. PP for the State.

The appellant has challenged the order dated 20.02.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Bihar Sharif, Nalanda in A.B.P. No. 153 of 2021 arising out of Islampur P.S. Case No. 535 of 2020, whereby the prayer made on behalf of the appellant for grant of pre-arrest bail for the offences under Sections 406, 420, 341, 323, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act has been rejected.

The accusation in the FIR is that the informant was making preparations for appearing in an



examination for getting a job in the Railways, when he was told by the appellant that if he pays Rs. 6,30,000/-, he would arrange a job for the informant. The informant could not get a job and when the money was demanded, a cheque of Rs. 3,15,000/- was issued which was not honoured by the bank. When this was brought to the notice of the appellant and others, the informant and his associates were assaulted and abused.

Hence, the case.

The learned counsel for the appellant has submitted that an absolutely false case has been lodged against him. The accusation under Sections 420 or 406 of the Indian Penal Code cannot be said to have been made out even assuming every averment in the FIR to be true. The appellant also is an aspirant for a job and had been making preparations for appearing in such examinations along with the informant.

Had the accusation regarding bouncing of the cheque been true, surely a case would have been lodged under the Negotiable Instrument Act. That not having been done, there does not appear to be any truth in the accusation of the appellant having issued a cheque which could not be respected.

So far as assault and abusive behaviour of the appellant is concerned, that appears to have been added



only for giving a serious colour to the case.

Regard being had to the aforesaid facts and especially that the appellant as well as the informant both are aspirants for Government job, the order dated 20.02.2021 is set aside.

The appeal stands allowed.

On the appellant surrendering before the court below within a period of eight weeks, he shall be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Bihar Sharif, Nalanda in A.B.P. No. 153 of 2021 arising out of Islampur P.S. Case No. 535 of 2020.

(Ashutosh Kumar, J)

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