

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2093 of 2020**

Arising Out of PS. Case No.-24 Year-2019 Thana- BISHWAMBHARPUR District-
Gopalganj

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AJAY KUMAR SINGH, Son of Late Kuwar Singh Resident of Village-
Asnand Tola, P.S.- Uchakagaon, District- Gopalganj.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s	:	Mr. Nachiketa Jha
For the Respondent/s	:	Mr. Sadanand Paswan Mr. Harendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 05-03-2021 As prayed for, let the learned counsel appearing for the appellant remove the defect(s), as pointed out by the office vide its notes dated 15.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the appellant, learned counsel appearing for informant and learned Special P.P. for the respondent-State.

The present appeal has been preferred on behalf of the appellant for setting aside the order dated 04.01.2020 passed by learned Additional District Judge-I-cum-Special Judge, SC/ST (POA) Act, Gopalganj, whereby the appellant's prayer for bail, in connection with Vishambharpur (Bishambharpur) P.S. Case No. 24 of 2019, registered for the



offences punishable under Sections 406, 420, 323 and 504/34 of the Indian Penal Code and Section 3(v)(a) of the SC/ST (Prevention of Atrocities) Act, has been rejected.

Accusation is that Shailesh Kumar Ram, co-villager of complainant/informant Umesh Kumar Gond came at the house of complainant/informant with appellant and disclosed that he has given Rs. 3,25,000/- to the appellant for job in military and appellant also assured to provide job in military. Thereafter, complainant/informant gave Rs. 3,25,000/- to the appellant in presence of his co-villager Shailesh Kumar Ram. At that time, appellant assured him to provide job in military within a year, but in spite of passing over the said period, job was not provided to complainant/informant, then complainant/informant approached to the appellant through his co-villager Shailesh Kumar Ram on which appellant also furnished bond to return the said money, but, in spite of all efforts, the appellant did not pay any money to the informant.

Learned counsel appearing on behalf of appellant submits that the appellant is in custody since 28.08.2019 after remanding in the present case from Kushi Nagar (U.P) Padrawna P.S. Case No. 612 of 2018, as detailed in paragraph No.3. Further submission is that while it is alleged in the



Complaint Petition, which is the basis of the F.I.R., that Rs. 3,25,000/- was handed over to the appellant through Shailesh Kumar Ram, but not a chit of paper has been filed.

Having regard to the facts and circumstances of the case and period of custody, let the above named appellant, 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 the learned Addl. District Judge-I-cum-Special Judge, SC/ST (POA) Act, Gopalganj in connection with Vishambharpur (Bishambharpur) P.S. Case No. 24 of 2019. Subject to condition that he will appear in trial court as and when required.

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

(Rajendra Kumar Mishra, J)

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