

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.236 of 2022**

Arising Out of PS. Case No.-178 Year-2018 Thana- MAIRWAN District- Siwan

JAI PRAKASH DUBEY @ JAI PRAKASH DUWEDI S/o - Late Kedar
Dubey Resident of - Kanhauli, P.S. - Darauli, District - Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dewanti Devi W/o- Rakesh Ram Resident of - Motichhapar, P.S. - Mairwan,
District - Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Akshay Lal Pandit
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 15-09-2022 Though notice has been sent to O.P. No. 2, no one has
turned up to assist the Court.

Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant
against the order dated 16.08.2021 passed by learned Special
Judge, Siwan in ABP No. 1018 of 2021 whereby the prayer for
bail of the appellant in connection with Mairwan P.S. Case no.
178 of 2018 under Sections 420, 467, 468, 471, 120(B), 324,
323, 354(B), 311 of the Indian Penal Code and section 3(1)(x)
of SC/ST Act was rejected.

As per allegation in the FIR, appellant was Director in



Shreya Bharti Films Industry and he had taken an amount of Rs. 4,35,900/- from O.P. no. 2 for providing her roles in film. But neither she was provided any role in Cinema nor appellant has returned her money. On several demands made by her, appellant had used derogatory language by taking her caste name.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to ill motive. The present case is counter version of Mairwan P.S. Case No. 1849 of 2016. There is no reliable mode of transaction of money and no documentary proof to support the prosecution story. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 16.08.2021 passed in A.B.P. No. 1018 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in



connection with Mairwan P.S. Case No. 178 of 2018 on
furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
with two sureties of the like amount each to the satisfaction of
the learned 1st Additional Sessions Judge-cum-Special Judge
(SC/ST) Siwan.

(Sunil Kumar Panwar, J)

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