

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.574 of 2022

Arising Out of PS. Case No.-651 Year-2021 Thana- BAGHA District- West Champaran

Deepak Kumar Mishra @ Deepak Mishra Son Of Upendra Mishra Resident Of Village - Bankatwa Hanuman Garhi, Police Station - Bagaha, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Baitha son of Ramakant Baitha Resident of Village - Goriya Patti Ward No. 26, Police Station - Bagaha, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sachida Nand Rai
For the Respondent/s	:	Mr.Usha Kumari 1
		Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-08-2022 Heard learned counsel for the appellant, respondent no. 2 and learned Special Public Prosecutor for the State.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 25.01.2022, passed by learned 1st Additional District and Sessions Judge-cum-Special Judge SC/ST, Bettiah in connection with Bagaha P.S. Case No. 651 of 2021, registered under Sections 420, 406, 467, 468, 472/34 of the IPC and Sections 3(i) (r) of SC/ST Act.

The allegation, as per the FIR, is that the informant has alleged that he had given Rs.4 lakh cash to the appellant for



giving the amount to the vendor Pramod Pandey, but neither he paid the said amount to the vendor nor he returned the same to the informant.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submitted that the appellant is ready to return Rs. 4 lakh to the informant/respondent no. 2 within four months in installments. He undertakes to deposit first installment i.e. Rs. 2 lakh be at the time of furnishing his bail bonds before the learned court below which will be released in favour of the informant/respondent no. 2. He further undertakes to deposit rest amount of Rs. 2 lakh before the learned court within a period of four months in equal four installments which will also be released in favour of the informant. He submitted that appellant has one criminal antecedent as stated in para-3 of the bail application.

Considering the facts and circumstances of the case, let the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on provisional bail for four months on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge SC/ST, Bettiah in connection with Bagaha P.S. Case No. 651 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

On payment of entire amount, the provisional bail of the petitioner will be confirmed by the learned court below.

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

(Anjani Kumar Sharan, J)

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