

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1311 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- SULTANGANJ District- Patna

Md. Rahmatulla, Son of Late Nabi Hasan, Resident of Mohalla- Kankarbagh,
P.S.- Kankarbagh, District- Patna. Permanent Address- R/o Village- Dharfari,
P.S.- Deoria, District- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Alok Ranjan, Advocate
		Mr. Jitendra Kumar Rai, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.
For the Respondent No.2:		Mr. Kumar Rajeev, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-07-2022 Learned counsel for the appellant is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Alok Ranjan, learned counsel appearing on behalf of the appellant, Mr. Kumar Rajeev, learned counsel for respondent no.2 and learned Spl. PP for the State.

The present appeal under Section 14(A) (2) of the Scheduled Castes/Scheduled Tribes, Prevention of Atrocities Act, (hereinafter referred to as 'SC/ST Act') has been preferred against the order dated 22.03.2022 passed by the learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 261 of 2021, arising out of Sultanganj P.S. case no. 253 of 2021 registered for the offences punishable under Sections 406,



420/34, 504 of the Indian Penal Code, Section 138 of the Negotiable Instrument Act and Sections 3(i)(r)(s) of the SC/ST Act whereby the prayer for grant of regular bail of the appellant has been rejected.

The prosecution case is based on a written report of the informant, who has alleged that the brother of the appellant had issued cheque, which was bounced on account of paucity of fund and due to which some altercation took place and the accused persons alleged abused and threatened.

It is submitted by the learned counsel appearing on behalf of the appellant that from the tenor of the F.I.R. prima facie it appears to be a financial dispute, however, during the pendency of this appeal, the matter has been settled and the brother of the appellant has paid the money and the same has been duly received by the informant.

The aforesaid submission has not been confronted by the learned counsel for the informant.

It is next submitted that there is no specific allegation against this appellant, rather the specific allegation has been levelled against the brother of the appellant, however, he is in custody since 22.03.2022 in connection with the present case.

Having considered the submissions made on behalf of



the parties and taking into consideration the fact that prima facie the present case appears to be pre-dominantly a case of financial transaction and moreover the dispute has been settled between the parties, let the appellant be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 261 of 2021, arising out of Sultanganj P.S. case no. 253 of 2021, subject to the condition that one of the bailors will be the close relatives of the appellant with further conditions which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

In the aforesaid facts and circumstances, the impugned order dated 22.03.2022 is hereby set aside and the present appeal stands allowed.

(Harish Kumar, J)

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