

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1481 of 2022

Arising Out of PS. Case No.-367 Year-2021 Thana- BUDDHACOLONY District- Patna

1. Triveni Prasad Son of Late Mohan Singh Resident of Muhalla - Dujra, Uttari Mandiri, P.S.- Budha Colony, District - Patna
2. Vinita Kumari Wife of Triveni Prasad Resident of Muhalla - Dujra, Uttari Mandiri, P.S.- Budha Colony, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Gopal Kumar Son of Late Ramrup Rajak Resident of Muhalla - Dakshini Gandhi Maidan, P.S.- Gandhi Maidan, District - Patna A/p New Dasharatha, P.S.- Beur, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Parmeshwar Vishwakarma, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-11-2022 Heard learned counsel for the appellants and learned counsel for the informant and learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 11.02.2022 in A.B.P. No. 1037 of 2022 passed by the learned Special Judge, SC/ST Act, Patna in connection with Budha Colony P.S. Case No. 367 of 2021 registered under Sections 406, 420, 504 and 506 of the Indian Penal Code, Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes Act and 138 of N.I. Act.



According to the prosecution case, the informant has given Rs. 20,26,000/- in advance to the appellants for purchasing their house in a total consideration amount of Rs. 49,00,000/- but neither the appellants executed the sale deed nor returned his amount.

Learned counsel for the appellants fairly submits that in fact, the appellants have received only Rs. 17,26,000/- (Rs. Seventeen lakh twenty six thousand only) from the informant and they are ready to pay Rs. 17,26,000/- to the informant, namely, Gopal Kumar.

Learned counsel for the informant on the basis of the instructions submits that informant has no objection if the appellants returned Rs. 17,26,000/- to the informant.

After hearing the parties and subsequent developments in the present case, in my view for the purpose of this anticipatory bail, no offense under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

Hence, let the appellants, above, named, in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Let the appellants deposit Rs. 5,00,000/- by way of demand draft in favour of the informant, namely, Gopal Kumar at the time of furnishing bail bond and rest Rs. 12,26,000/- shall pay in 10 equal installments also by way of demand draft in favour of the informant. If the appellants fail to pay any installment, the bail bond of the appellants shall be automatically cancelled by the learned Court below.

2. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

3. If the appellants tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

4. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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