

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.68 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- SC/ST District- Saran

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SAROJ SINGH @ SURAJ KUMAR SINGH Son of Sharothan Singh
Resident of Village- Maricha, P.S.- Shajitpur, District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Guddu Kumar Son of Sri Shankar Sharma Resident of Mohalla- North Dahiya Tola, P.S.- Chapra Town, District- Saran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajesh Roy

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 20-10-2022

Heard learned counsel for the appellant and learned Spl. PP for the State.

The appellant has filed the instant appeal against the order dated 24.09.2021 passed in by the learned 1st Additional Sessions Judge cum Special Judge, Saran whereby the prayer for bail of the appellant in connection with SC/ST P.S. Case no. 34/2021 registered under Sections 341, 323, 420, 406 of the Indian Penal Code, and section 3 (i) (R)(S) of the SC & ST (POA) Act was rejected.

As per prosecution case, allegation against the appellant and co-accused, Pankaj Singh took loan of Rs. 3 lacs from the informant and for which the they executed an agreement on non-judicial stamp with condition to return the money within six months but the appellant and said co-accused did not return the money within six months and when the informant asked about the money then the accused



persons started abusing the informant by his caste name Lohar and denied to return the money.

Learned counsel for the appellant submits that the appellant is in custody since 31.08.2021 and bears no criminal antecedent. There is no specific allegation against the appellant. Charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the appellant further submits that appellant has falsely been implicated in this case due to partner in the school and some dispute arose between both parties, with a view to pressurize upon the appellant the informant has lodged this false case. There is no evidence of money transfer by the informant to the appellant therefore, no offence is made out under Section 420, 406 of the I.P.C. and Sections 341, 323 are super addition.

The learned Spl. PP for the State vehemently opposes the prayer for bail of the appellant.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides, keeping in view clean antecedent of the appellant and also taking into consideration the material available on record, impugned order dated 24.09.2021 is hereby set aside and present appeal is allowed.

The appellant is directed to be enlarged on bail in connection with Saran SC/ST P.S. Case No. 34/2021 on furnishing bail bond of Rs.10,000/ (Rupees



Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Saran subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Appellant will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.10.2022
Transmission Date	20.10.2022

