

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.827 of 2023

Arising Out of PS. Case No.-334 Year-2022 Thana- BARBIGHA District- Sheikhpura

PANKAJ KUMAR @ DIPAK KUMAR S/O RAMESHWAR SINGH R/v-
Bhadarhi, P.S.- Barbigha, District- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. ANJALI DEVI W/O SHRWAN KUMAR R/o village/mohalla- Giridiha,
P.O. and P.S.- Sheikhpura, District- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Bipin Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 21-07-2023 Heard Mr. Ramakant Sharma, learned senior counsel

for the appellant, learned counsel appearing on behalf of

respondent no.2 and learned Special Public Prosecutor for the

State.

This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for regular bail by
order dated 19.01.2023 passed by the learned 1st Additional
District & Sessions Judge, Sheikhpura in connection with
SC/ST P.S. Case No.72 of 2022 arising out of Barbigha P.S.
Case No.334 of 2022, registered under Sections 420, 120(B) of
the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of



SC/ST (POA) Act, 1989.

As per prosecution case, in brief is that informant Anjali Devi stating therein that the informant belongs to Harijan community was called by accused. In January, 2022 accused persons called her at his residential house near Anara Bank, Barbigha and told her and assurance to give a job for the post of 'Guard' in the Bihar Government and assurance to other persons to give her job. After this he proposed three-three lakhs rupees from each person and took their papers in this fraud and 8-10 men and women papers have been taken by the accused persons namely Pankaj Kumar @ Dipak Kumar, Abhalasha Kumari, Rupak Devi and Munna Tailor and others. They gave three-three lakhs to Pankaj Kumar @ Dipak Kumar for the job. On dated 19.03.2022 they called her near Barbigha Office and gave him a paper and told them your joining is on dated 28.03.2022 but no one got job and not get joining. The accused persons also cheated Farzana Khatoon but do not give any job. After this accused called all persons on 09.05.2022, but they refused to go to their office but only Farzana Khatoon went there. After this they locked Farzana Khatoon in a room and the accused assaulted her and abused her and they took her signature on white papers. After this Farzana Khatoon told her about the occurrence to



other persons and informant also record their all episode in her mobile which was in her self custody. Accused Pankaj Kumar @ Dipak Kumar and her associates also cheated other poor Harijan people and when they demanded their money then they refused to return the money and abused her caste name.

Learned senior counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and appellant has not committed any offence as alleged in the F.I.R. in fact the informant is habitual to implicate the innocent people in number of cases and the informant is also accused in a case which her husband has killed and the informant is one of the accused on that case. He further submits that during investigation no other cogent material has come suggest the involvement of the appellant in the present occurrence and even the independent witnesses have not supported the contention of the informant. He further submits that the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 15.10.2022.

The learned counsel appearing on behalf of the Respondent No.2 as well as learned Special Public Prosecutor



have vehemently opposed the prayer for bail of the appellant and submits that appellant carries two criminal antecedent other than the present one, in which appellant is on bail in both the cases.

Considering the aforesaid facts and circumstances, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge, Sheikhpura in connection with SC/ST P.S. Case No.72 of 2022 arising out of Barbigha P.S. Case No.334 of 2022, subject to the following conditions:-

1. Appellant 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court



below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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 dated 19.01.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

