

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1399 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- BAKHTIYARPUR District- Patna

VIKASH KUMAR SON OF ASHOK KUMAR GUPTA @ ASHOK LAL GUPTA RESIDENT OF VILLAGE - KARJAN, P.S. - ATHMALGOLA, DISTT. - PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. SUNIL PASWAN SON OF KAMESHWAR PASWAN RESIDENT OF VILLAGE - LAKSHMANPUR, P.S. - BHAKTIYARPUR, DISTT. - PATNA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Jay Ram Prasad
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 20-07-2023 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 22.02.2023 passed by learned Special Judge SC/ST, Patna in Serial No. 24 of 2023 whereby the prayer for bail of the appellant in connection with Bakhtiyarpur P.S. Case no. 15 of 2023 under Sections 406/420 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

The prosecution story in short is that appellant, who is from YES Bank, has cheated the informant by taking a cheque of Rs. three lac on the pretext of manage the loan from bank.



When informant got message of debit of the said amount, he contacted the appellant for inquiry but the appellant abused the informant by addressing his cast name.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Appellant is simply a mediation between the bank and the informant. In para 27 of the case diary, there is bank statement from which it appears that Manish Kumar withdrawn Rs. 1,90,000/- on 22.12.2022 and Rs. 1,10,000/- on 23.12.2022. Appellant is not the beneficiary of the alleged amount. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Appellant languishing in judicial custody since 18.01.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 22.02.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Bakhtiyarpur PS Case No. 15 of 2023 on



furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
with two sureties of the like amount each to the satisfaction of
the learned Special Judge SC/ST Patna.

(Sunil Kumar Panwar, J)

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