

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1519 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- NIMACHANDPURA District- Begusarai

Abhishek Kumar @ Abhishek Chauhan @ Chhotu Kumar @ Chhotu Chauhan Son Of Ajay Singh @ Ajay Chauhan @ Ajay Kumar Resident Of Village - Fatepur, P.S.- Paras Bigha, District - Jehanabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Sada Son of Narayan Sada Resident of Village - Parna, P.S.- Nimachandpura, District - Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kumar Rajdeep
For the Respondent/s : Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 10-08-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 15.02.2023 passed by learned Exclusive Special Judge SC/ST Act, Begusarai in connection with Neemachandpura P.S. Case No. 07 of 2023 instituted for the offences punishable under Sections 420, 406, 506 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

It is alleged against the appellant that on



promise to get employed in a government department, he took Rs. 12,95,000/- from the brothers of the informant but neither employment was provided nor money was returned.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The informant has not provided any chit or paper to prove that the appellant took money from the informant's brothers. Nothing was recovered from the conscious possession of the appellant. Moreover, for a civil nature of dispute, the appellant has been roped in a criminal proceeding. The mother of the appellant has lodged an F.I.R alleging that brothers of the informant have kidnapped the appellant for demand of Rs. 12,95,000/- and forcefully took signature of the appellant on a non-judicial stamp paper as a proof of taking money illegally from them. The F.I.R is annexed as Annexure-2 to the appeal. The appellant is in custody since 14.01.2023. A statement has been



made in para 3 of the petition that appellant has clean antecedent.

Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 15.02.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Begusarai in connection with Neemachandpura P.S. Case No. 07 of 2023.

(Sunil Kumar Panwar, J)

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