

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1705 of 2023

Arising Out of PS. Case No.-246 Year-2021 Thana- PALIGANJ District- Patna

MUKESH SINGH SON OF BIJENDRA SINGH R/O VILLAGE-
NAGAHAR, P.S. AND P.S.- BIKRAM, DISTRICT- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. SONI KUMARI WIFE OF SHAILENDRA PRASAD R/O VILLAGE-KHARAHATAR, P.S.- SIMARI, DISTRICT- BUXAR, AT PRESENT TEACHER IN MIDDLE SCHOOL, KINJAR, DISTRICT- ARWAL

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Naresh Sharma, Adv.
For the Respondent/s : Mrs. Usha Kumari 1, S.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-08-2023 1. Heard learned counsel for the appellant, learned
counsel for the informant and learned Special P.P. for the State.

2. This is an appeal under Section 14 (A)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 22.02.2023 passed by the learned Special Judge SC/ST Act, Patna in connection with Paliganj P.S. Case No.246/2021, arising out of Special Case No.189/2021, dated 15.07.2021, registered under Sections 420, 419, 406, 506 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



3. According to FIR, there was an agreement between the respondent no.2 and the appellant and as per the agreement the husband of the respondent no.2 has given Rs.7,05,000/- (Seven lacs five thousand) to the appellant through cheque and cash to purchase a piece of land but neither the appellant has executed the sale deed nor return the amount.

4. Learned counsel for the appellant out-rightly submits that the appellant is ready to return the amount in question i.e. Rs.7,05,000/- (Rupees seven lacs five thousand) to the complainant/respondent no.2 within a period of three months from his releasing of the judicial custody.

5. Learned counsel for the respondent no.2/complainant and learned Spl. P.P. for the State accept the offer made by the learned counsel for the appellant.

6. Considering the aforesaid facts, let the appellant, above named, be released on **provisional bail for a period of four months** on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, Patna in connection with Paliganj P.S. Case No.246/2021, arising out of Special Case No.189/2021, subject to the following conditions:-

(1) The appellant shall pay Rs. 50,000/- (Rupees



Fifty Thousand) at the time of furnishing bail bond in favour of the respondent no.2/complainant, namely, Soni Kumari by way of Demand Draft and the rest amount of Rs. 6,55,000/- (Rupees six lacs fifty five thousand) shall be paid within a period of three months by way of Demand Draft to the Respondent no.2/complainant. Learned trial court is directed to hand over the demand draft of the aforesaid amount to the learned counsel for the respondent no.2/complainant.

(ii) If the appellant repays the aforesaid amount to the respondent no.2/complainant, the learned trial court is directed to confirm the bail bond of the appellant and if the appellant will not pay the amount in question in time, in favour of the respondent no.2/complainant by way of Demand Draft, the respondent no.2/complainant would be at liberty to move before the learned trial court for cancellation of bail bond of the appellant.

(iii) 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.



(iv) 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.

(v) 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. This application is accordingly disposed of.

(Rajesh Kumar Verma, J)

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