

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2843 of 2023

Arising Out of PS. Case No.-16 Year-2022 Thana- SC/ST District- Nawada

Subodh Kumar S/O- Late Dwarik Mahto Village- Anjaru Os- Narhatt Dist-
Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudhir Chaudhary Late Dukhan Chaudhary R/V- Linepar Mirzapur,
Nawada, P.S. and District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Deo Raj
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-11-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated
02.06.2023 passed by learned Additional District &
Sessions Judge-I-cum-Exclusive Special Court, SC/ST
Act, Nawada in connection with Nawada SC/ST P.S.
Case No. 16 of 2022 instituted for the offences
punishable under Sections 406, 409, 420/34 of the
Indian Penal Code and Sections 3(i)(x) of the SC/ST Act
whereby his prayer for being released on bail has been
rejected.



It is alleged against the appellant that he convinced the informant to invest in Taxway Service Limited Company and thereafter the informant invested Rs. 1,56,000/- in the aforesaid company but thereafter neither he received any benefits nor the amount invested him and when he went to enquire about the invested amount, the appellant abused him by calling his caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. The appellant is neither agent of the Taxway Service Private Limited nor he has any concern with the said company. The informant has also not produced any proof with regard to his investment. Moreover, good sense has prevailed between the parties and the invested amount of the informant has been returned. The appellant is in custody since 25.04.2023.



In contra, 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. Though he submits that both sides have compromised the issue.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 02.06.2023.

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 Additional District & Sessions Judge-III-cum-Exclusive Special Court (SC & ST) Act, Nawada in connection with Nawada SC/ST P.S. Case No. 16 of 2022.

(Sunil Kumar Panwar, J)

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