

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3337 of 2023

Arising Out of PS. Case No.-335 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Ganesh Goswami Son Of Late Moti Goswami Village Paharpur, Police
Colony, D/ 55, P.O. Anisabad, P.S. Gardanibagh, Dist. Patna

... .. Appellant/s

Versus

1.The State Of Bihar

2.Smt. Pinki Kumari w/o- Arvind Kumar R/o- Flat No. 503, Annapurna
Apartment Naya Tola, Post-Bankipore P.S.-Kadamkuan, Patna, 800004

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjiv Sharan

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-10-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the complainant.

The instant appeal has been filed by the appellant
against the order dated 15.06.2023 passed by learned Special
Judge SC/ST Act, Patna whereby the prayer for bail of the
appellant in connection with Spl (Complaint) Case No. 335 of
2019 under Sections 420, 406 of the Indian Penal Code and
sections 3(i)(x) of SC/ST Act was rejected.

As per the complaint petition, the complainant has
given Rs. 10,20,000/- to the appellant for purchasing his house
with land. The total consideration amount was Rs. 66,30,000/-
after payment of Rs. 10,21,000/- an agreement was made. It is



alleged that as per the agreement when the complainant tried to give the rest consideration amount to the petitioner for executing the sale deed, but the appellant intentionally did not accept the same. Ultimately, the complainant has sent a legal notice to the appellant but appellant has neither responded the same nor returned the advance amount which has been given to him and also abused the complainant by caste name.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. He has not taken the caste name of the complainant in public view. No offence is made out under the provisions of the SC/ST Act against him. It is further submitted from para-14 of this petition that the appellant is suffering from Heart problem and he was diagnosed and suggested for installation of pace maker and surgery. Moreover, the appellant is languishing in judicial custody since 03.04.2023.

By way of filing supplementary affidavit, it has been brought on record that appellant is ready to return the advance money of Rs. 10,21,000/- (Rs. Ten lac twenty one thousand only) to the complainant in 18 equal monthly installments after releasing from jail custody. Learned counsel for the appellant further submits that before furnishing bail bond, appellant will



return Rs. 50,000/- to the complainant in her account.

Appellant is directed to deposit the entire amount in 18 equal monthly installments. Each installment will be of Rs. 54,000/-.

Learned counsel for the complainant has no objection.

Having heard learned counsel for the parties and taking into consideration that considering the fact that appellant is ready to return the entire amount to the complainant, the Court is inclined to allow provisional bail to the appellant. Accordingly, the impugned order dated 15.06.2023 is hereby set aside.

The appellant is directed to be enlarged on **provisional bail** for a period of 18 months in connection with Spl. (Complaint) Case No. 335 of 2019 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 Act, Patna.

8. This application stands disposed off with a direction to the trial court to confirm the provisional bail granted to the appellant only after ensuring that the appellant has deposited the entire amount in eighteen equal installments as agreed by him before this Court.



The bail bonds of the appellant shall be accepted by the learned court below on showing receipt of deposit of Rs. **50,000/- (Fifty thousand only)** by the appellant in the account of complainant.

10. The aforesaid payment will be the subject to final settlement in this matter.

(Sunil Kumar Panwar, J)

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