

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3413 of 2023**

Arising Out of PS. Case No.-28 Year-2023 Thana- SHERGHATI District- Gaya

Sanjay Kumar @ Sanjay Yadav S/O Dowarika Yadav Resident Of Dharmpur,  
P.S - Dobhi, District- Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Mithu Paswan S/O Sukhdev Paswan R/O Village- Karmauni Bhalua, P.S-  
Dobhi, District- Gaya

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Bhaskar Shankar  
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

5      09-11-2023                      Heard learned counsel for the appellant, learned  
counsel for the informant and learned Special Public Prosecutor  
for the State.

2. The instant appeal has been filed by the appellant against the order dated 4.7.2023 passed by learned Exclusive Special Judge SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Sherghati (Dobhi) P.S. Case no. 28 of 2023 under Sections 420, 406, 34 of the Indian Penal Code, section 138 of the N.I. Act and sections 3(i)(r), 3(2)(v-a) of SC/ST Act was rejected.

3. As per prosecution case, the appellant in conspiracy with his associates, cheated the informant to the tune of Rs. 32 lakhs by impersonating the co-accused to be the owner of the



property.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. By way of filing supplementary affidavit, it has been brought on record by learned counsel for the appellant that appellant is ready to return an amount of Rs. 24 lakhs to the informant in six monthly installment. Petitioner is languishing in judicial custody since 10.4.2023.

5. Learned counsel for the informant admits that he shall provide bank account number of the informant to the appellant within a period of two weeks from today.

6. On receipt of the bank account number of the informant, the appellant shall deposit the amounts (Rs. 24 Lakhs) in six regular monthly installments (four lakh per months) after releasing from jail custody. Learned counsel for the appellant further submits that before furnishing bail bond, the appellant will return the first installment of Rs. Four Lakh (4,00,000/-) to the informant.

7. The appellant is directed to deposit the entire amount in six equal monthly installments. Each installment will be of Rs. 4,00,000/- (Four lacs).

8. Having heard learned counsel for the parties and considering the fact that the appellant is ready to return the entire



amount to the informant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 4.7.2023 passed in Sherghati (Dobhi) P.S. Case no. 28 of 2023 is hereby set aside.

9. The appellant is directed to be enlarged on **Provisional bail** in connection with Sherghati (Dobhi) P.S. Case no. 28 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 Exclusive Special Judge, SC/ST, Gaya.

10. The trial court is directed to confirm the provisional bail granted to the appellant only after ensuring that he has deposited the entire amount in six equal monthly installments.

11. The bail bond of the appellant shall be accepted by the learned Court below on showing receipt of deposit the first installment of Rs. Four lakh (4,00,000/-).

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

**(Sunil Kumar Panwar, J)**

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