

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3487 of 2022**

Arising Out of PS. Case No.-322 Year-2020 Thana- KHIJARSARAI District- Gaya

Mukesh Kumar @ Tyagijee Son Of Sri Kapildeo Singh R/O Village- Ganpati
Bigha, P.S.- Hilsa, Distt.- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Bali Ravidas Son Of Late Chhatradhari Ram R/O Village- Panhari,
P.S.- Khijarsarai, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mithilesh Kumar, Advocate
For the Respondent/s	:	Mr. Kamal Kumar Sinha, Advocate
For the State	:	Mrs. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 04-04-2023 Heard the parties.

The instant criminal appeal has been filed under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, against the order dated 29.08.2022 passed by the Court of Exclusive Special Judge, S.C./S.T., Gaya in connection with Khijarsarai P.S. Case No.322 of 2020 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code and Section 3(i)(g) of the SC/ST Act whereby the appellant's prayer for bail was rejected.

The main submissions advanced by learned counsel for the appellant are that the appellant has no criminal antecedent and he has been chargesheeted and the learned Court



below has taken the cognizance of the alleged offences and the land in question was transferred by the informant and others in favour of the appellant in the year 2014 and the FIR of the instant matter was lodged in the year 2020 and the appellant himself surrendered before the learned Court below on 20.07.2022 and since then he has been languishing in jail.

Learned counsel for the Respondent No.2 has opposed this appeal and submitted that the appellant has cheated the informant on the pretext of help in providing government employment to the son of the informant and in pursuance of that cheating the informant transferred his land in favour of the appellant and the same was to be returned to the informant after five years from the date of the transfer but the said land has not been transferred yet nor the informant's son was provided government job.

Considering the above submissions and mainly the appellant's custody period and also the facts that the investigation has been completed and in the present time the appellant's case is at initial stage and the informant transferred his land for an illegal object, in the opinion of this Court it will be proper to enlarge the appellant on bail. Accordingly, the order impugned is hereby set aside and the appellant above-named is



directed to be enlarged **on bail after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Khijarsarai P.S. Case No.322 of 2020.

Accordingly, the instant appeal stands allowed.

(Shailendra Singh, J)

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