

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2242 of 2024

Arising Out of PS. Case No.-367 Year-2021 Thana- BUDDHACOLONY District- Patna

Triveni Prasad S/o Late Mohan Singh R/o Mohalla - Dujra, Uttari Mandiri
Vidya Bhawan, P.S. - Buddha Colony, Distt. - Patna Appellant/s
Versus

1. The State of Bihar
2. Gopal Kumar S/o Late Ramrup Rajak R/o Mohalla - Dakshini Gandhi
Maidan, P.S. - Gandhi Maidan, Distt.- Patna
... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.
For Resp. No. 2 : Mr. Sheo Kumar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-06-2024 Heard Mr. Birendra Kumar, learned counsel for the
appellant, Mr. Sheo Kumar Prasad, learned counsel appearing
on behalf of the Respondent No. 2 as well as Mr. Sadanand
Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 02.04.2024
passed by the learned Exclusive Special Judge, SC/ST (POA)
Act, Patna in connection with Special Case no. 298 of 2021
arising out of Buddha Colony P.S. Case No. 367 of 2021, F.I.R.
dated 09.10.2021 registered under Sections 406, 420, 504 and
506 of the Indian Penal Code, Section 138 of N.I Act and
Sections 3(i) R of the Scheduled Castes and Scheduled Tribes
(POA) Act.

3. According to the prosecution case, the informant
has given Rs. 20,26,000/- as a consideration money to the



appellant but this appellant has neither executed the sale deed in favour of the informant nor returned his amount.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that earlier the appellant has moved before this Court for grant of anticipatory bail in Cr. Appeal (SJ) No. 1481 of 2022 which was allowed vide order dated 17.11.2022 with the direction to the appellant to pay the amount in question to respondent no. 2. He further submits that in compliance of the order dated 17.11.2022 the appellant has deposited a demand draft of Rs. 5,00,000/- (Five Lakhs) at the time of furnishing bail bond on 31.01.2023 and thereafter he has deposited Rs. 1,00,000/- two times to the respondent no. 2. He further submits that due to some financial disturbances the appellant has not returned the rest of the amount to the respondent no. 2 due to which the bail bond of the appellant has been cancelled vide order dated 20.09.2023.

5. Learned counsel for the appellant submits that the appellant is still ready to return the rest of the amount i.e. Rs. 10,26,000/- (Ten Lakhs Twenty Six Thousand) to the respondent no. 2 in 20 equal monthly installments and the appellant shall pay Rs. 52,000/- (Fifty two thousand) by way of demand draft



in favour of the respondent no. 2 at the time of furnishing bail and rest of the amount shall be paid in monthly installment of Rs. 48,700/- (Forty eight thousand and seven hundred).

6. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have no objection in this regard.

7. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Patna in connection with Special Case no. 298 of 2021 arising out of Buddha Colony P.S. Case No. 367 of 2021, with other following conditions:-

i. Appellant shall pay Rs. 52,000/- (Fifty two thousand) by way of demand draft in favour of the respondent no. 2 at the time of furnishing bail bond and rest of the amount shall be paid in 20 equal monthly installment of Rs. 48,700/- (Forty eight thousand and seven hundred) to the respondent no. 2. If the appellant fail to pay any installment to the respondent no. 2 then the respondent no. 2 has liberty to move before the appropriate forum for cancellation of his bail bond.

ii. 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.

iii. 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.

iv. 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 have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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