

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5138 of 2023**

Arising Out of PS. Case No.-8 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Pritam Kumar Son Of Late Bateshwar Prasad Sah Village- Taranganj Ps-
Sajour Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Bablu Paswan Son of Robin Paswan R/o vill - Mohdinagar, P.s. Mojahidpur,
Distt. - Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pravin Kumar Sinha
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-01-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 22.09.2023 passed by learned 3rd Additional Sessions Judge cum Special Judge (SC/ST Act), Bhagalpur whereby the prayer for bail of the appellant in connection with Complaint Case No 08 of 2019 under Sections 341, 323, 354B, 420, 406, 504 and 34 of the Indian Penal Code and sections 3(w)(i)(r)(s) of SC/ST Act was rejected.

3. Allegation against co-accused, namely, Amit Kumar Singh is to cheat complainant for sum of Rs.



2,65,000/- (Rupees Two Lakh Sixty Five Thousand), in connivance with this appellant for providing compensatory job. It is further alleged that co-accused came at the house of the complainant and on his absence, he outraged the modesty of his wife.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. It is further submitted by learned counsel for the appellant that from perusal of self-statement of complainant, it appears that he was known to the appellant since 2015 when he was working as Clerk in Head Post Office but the money was said to be handed to co-accused Amit Kumar without any receiving and this fact has also come in the impugned order that money has been received by co-accused not this appellant and he(co-accused) has already been granted bail by another co-ordinate Bench of this Court vide order dated 21.12.2022 in Cr. App(SJ) No 3192 of 2022. The case of the appellant is on better footing to that of the co-accused. Appellant has got no criminal antecedent as per Para-3 of this application. Moreover, he is languishing in judicial



custody since 22.09.2023.

5. The appeal for bail is opposed by learned Spl. P.P.
for the State.

6. Having heard learned counsel for the parties and
taking into consideration that there is general and omnibus
allegation against the appellant, the Court is inclined to allow
this appeal. Accordingly, the appeal is allowed and the
impugned order dated 22.09.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in
connection with Complaint Case No. 08 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 3rd Additional Sessions Judge cum Special Judge
(SC/ST Act), Bhagalpur.

(Sunil Kumar Panwar, J)

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