

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2954 of 2024**

Arising Out of PS. Case No.-235 Year-2022 Thana- KHAIRA District- Jamui

Md. Mumtaz @ Md. Mumtaj Son of Saiyad Mian @ Md. Saiyad Hasan R/O
Vill.- Nai Tola, Sikandra, P.S.- Sikandra, Dist.- Jamui, Bihar

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rajendra Kumar Das S/O Kailash Ravidas R/O Vill.- Gopalpur, P.S.- Khaira,
Dist.- Jamui.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 15-05-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and perused the case
diary. Learned SPP for the for the State has already informed the
informant.

2. The instant appeal has been filed by the appellant
against the order dated 29.05.2024 passed by Learned
Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act,
Jamui whereby the prayer for bail of the appellant in connection
with Khaira P.S. Case No. 235 of 2022 under Sections 406, 420
of the Indian Penal Code, read with Sections 3(i)(r), 3(i)(s) and
3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellant in



association with other co-accused person is said to have taken Rs. 14,19,000/- from the informant on the assurance to provide him job within two months. After expiry of two months, when the informant met the appellant and the co-accused, they started abusing and threatened for dire consequences.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case and Charge has already been framed against the petitioner on 20.02.2024. Learned counsel for the appellant also submits that no such kind of transaction or any assurance as alleged by the informant had taken place between the parties. No any incriminating article has been recovered from the conscious possession of the appellant. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 08.08.2023 and has got no criminal antecedent. Similar co-accused has been granted bail by this Court vide order dated 18.10.2024 passed in Cr. Appeal (S.J.) No. 3034 of 2024.



5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 29.05.2024 passed by Learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Jamui is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khaira P.S. Case No. 235 of 2022.

(Rudra Prakash Mishra, J)

Rajorshi/-

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