

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5455 of 2024

Arising Out of PS. Case No.-394 Year-2024 Thana- BUXAR District- Buxar

Krishnakant Singh Son of Kamlakant Singh R/o- New Bazar Mathiya Mor,
P.S.- Buxar (Town), District- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Indradeo Kumar Son of Ramji Gaurr R/o Vill- Panchmukhi Shiv Mandir,
Charitravan, Baxur, P.S.- Buxar (Town), District- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shivendra Kr. Sinha, Advocate
	:	Mr.Ramakant Yadav, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr.Arjun Prasad No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 23-01-2025 1. Heard learned Counsel for the appellant and learned Additional Public Prosecutor for the State.
2. An order dated 14.11.2024, passed by learned District and Additional Sessions Judge I-cum-Special Judge, SC/ST Act, Buxar in A.B.A. No. 1417 of 2024, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Buxar (Town) Police Station Case No. 394 of 2024 registered for the offences punishable under Sections 323/406/420/471 of the Indian Penal Code and Section 3 (1) (r)(s) of the Scheduled Caste and Scheduled Tribes



(Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the Complaint/ First Information Report, is that the informant being an unemployed person was searching for his livelihood and in the process, he met the appellant, who is the distributor of e-rickshaw. The complainant/ informant paid a total sum of Rs. 1,70,000/- in favour of the appellant for the purchase of e-rickshaw through bank transfer with the assurance that e-rickshaw would be provided after a lot of e-rickshaw was received from the company but after sometime, the appellant refused to hand over the e-rickshaw and he has also not refunded the money.

4. Learned Counsel appearing on behalf of the appellant, without prejudice to the right and contention of the appellant, is ready to refund a sum of Rs. 1,70,000/- in equal monthly instalments, out of which, a sum of Rs. 40,000/-, by way of first instalment, shall be refunded to the complainant-cum-informant/ opposite party no. 2 by the appellant, by way of bank draft and acknowledgment receipt shall be produced by the appellant at the time of furnishing bail bonds.

5. On the other hand, learned counsel for the complainant/ informant/ opposite party no. 2 accepted the offer made by the appellant and submits that the condition may be



imposed for payment of the amount in favour of the informant/
complainant.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the offer made by the appellant and accepted by the informant/ opposite party no. 2, I am inclined to grant provisional anticipatory bail to the appellant, subject to the condition that he shall pay total amount of Rs. 1,70,000/- in favour of opposite party no. 2/ informant in equal monthly instalments, out of which, first instalment of Rs. 40,000/- shall be paid by the appellant through Bank Draft in favour of complainant/ informant/ opposite party no. 2 at the time of furnishing bail bonds and acknowledgment receipt shall be produced before the concerned court at that time. The balance amount of Rs. 1,30,000/- shall be paid by way of Bank Draft in favour of opposite party no. 2, in further three monthly instalments of Rs. 40,000/-, Rs. 40,000/- and Rs. 50,000/-, respectively.

7. Accordingly, this appeal is allowed and the order dated 14.11.2024, passed by learned District and Additional Sessions Judge I-cum-Special Judge, SC/ST Act, Buxar in A.B.A. No. 1417 of 2024, is set aside.

8. Let the appellant, above named, in the event of his



arrest or surrender before the Court below within six weeks, be released on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge I-cum-Special Judge, SC/ST Act, Buxar in A.B.A. No. 1417 of 2024, arising out of Buxar (Town) Police Station Case No. 394 of 2024, subject to the aforesaid condition.

9. It is made clear that if the entire amount is paid by the appellant, as promised, the concerned District Court shall confirm the provisional bail of the appellant.

(Anil Kumar Sinha, J)

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