

Misc. Cr. Appl. No.995/2022

CNR No.JHLT01002842-2022

In the Court of the Additional Sessions Judge I, Latehar

Misc. Criminal Application No.995/2022

Latehar SC/ST P.S. Case No.03/2020

Kumar Abhinav ----Accused--Petitioner

Vrs.

State of Jharkhand. _____ O.P.

04.01.2023 Heard the Ld. Counsel Sri Kumar Amit
appearing on behalf of the accused/petitioner
Kumar Abhinav and the learned A.P.P. appearing
on behalf of the state in connection with Latehar
SC/ST P.S. Case No.03/2020 u/s 406, 420 of the
I.P.C., section 3(i)(r) & 3(i)(s) of the SC/ST Act.

**The Ld. Counsel for the
accused/petitioner above named,** at the very
outset, submitted that prior to this bail petition
anticipatory bail petition preferred on his behalf
has already been rejected by this court vide
A.B.P. No.319/2020 as process u/s 82 of the

04.01.2023 Cr.P.C. has been issued against him. The
contd..2

accused/petitioner filed Cr.M.P. No.2555/2020 before the Hon'ble High Court for quashing of process u/s 82 of the Cr.P.C. issued against him and the same was allowed. The accused/petitioner again filed anticipatory bail petition before this court and in the meantime he was arrested by the police and the same was withdrawn. The accused/petitioner is innocent and has falsely been implicated in this case out of grudge of the informant. No offence as such committed by him. The allegation of criminal breach of trust and cheating are totally falsely and fabricated as it lacks the ingredients for constituting the offences u/s 406/420 of the I.P.C. The allegation of using abusive language with regard to Caste of the informant is deliberately added to make this

04.01.2023 offence serious/heinous. The informant has also not
contd..3

produced his Caste Certificate, therefore no case u/s 3 of SC/ST Act is made out. In fact out of good relation with the informant the accused/petitioner had taken a sum of Rs.1,50,000/- from him as per his direction to pay the said amount at B.Ed. College, Ranchi University but the informant failed to approach the said college within time, thus he and his brother could not be admitted and therefore he demanded back the said amount from the accused/petitioner, meanwhile he lodged this case. The matter was sent to mediation Center, Latehar for mediation and it was settled that the accused/petitioner pay Rs.2,50,000/- to the informant. The accused/petitioner paid a sum of Rs.1,50,000/- on 03.01.2023 and rest Rs.1,00,000/- will be paid to the informant in two installments of Rs.50,000/- each on 02.03.2023 and 05.04.2023

04.01.2023 respectively. There is no cogent material in the
contd..4 entire case diary against the accused/petitioner,
therefore, he may be granted anticipatory bail.

On the other hand the Ld. A.P.P.
appearing on behalf of the State opposed the
prayer of bail of the accused/petitioner and
submitted that it is alleged against the
accused/petitioner that he dealt for admission in
B.Ed. of the informant and his brother for an
amount of Rs. Three lacs and thus they gave him a
sum of Rs.1,50,000/- out of that amount alongwith
relevant documents and on his direction they paid
another Rs.1,50,000/- in different amounts on
various dates through Net-Banking to the account
Numbers given by him but they could not be
admitted. He took time for their admission on one
pretext or the other. Lastly the accused/petitioner
gave two different cheques of Rs.1,50,000/- each

04.01.2023 on different dates to the informant of Central Bank
contd..5 and Bank of India but both the cheques could not be encashed. Thereafter the accused/petitioner sent a receipt of Rs.1,50,000/- deposited in the account of the informant but the said amount has not been received in the account as that receipt is forged one. Lastly the accused/petitioner refused to return the sum of Rs. Three lacs to the informant. The learned A.P.P. further submitted that the informant and other witnesses examined u/s 161 of the Cr.P.C. have supported the case of prosecution. However, the learned A.P.P. admitted that the matter was sent to mediation Center, Latehar for mediation and both the parties have settled the matter on Rs.2,50,000/-. The accused/petitioner paid a sum of Rs.1,50,000/- on 03.01.2023 and rest Rs.1,00,000/- will be paid to the informant in two installments of Rs.50,000/- each on 02.03.2023 and 05.04.2023

04.01.2023 respectively. Investigation of this case is still in
contd..6 progress, therefore bail petition filed on behalf of
the accused/petitioner above named may kindly be
rejected.

Regard being had to the discussions as
herein above, taking into consideration the nature
of the allegations and judicial custody of the
accused/petitioner since 22.12.2022 and that both
the parties have settled the matter in Mediation
Center, Latehar, the accused/petitioner **Kumar
Abhinav** is ordered to be released on
provisional bail till 03.03.2023 on furnishing bail
bond of Rs.10,000/- (ten thousand) with two
sureties of like amount each to the satisfaction of
this court.

Put up the record on 04.03.2023.

Let a copy of this order be placed at

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04.01.2023 the Record of Latehar SC/ST P.S. Case
contd..7

No.03/2020.

(Dictated)

Sd/-

(Sanjeev Kumar Das)
Addl. Sessions Judge-I,
Latehar.

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