

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.251 of 2018

Arising Out of PS.Case No. -571 Year- 2017 Thana -KOTWALI District- PATNA

=====

1. Nirbhay Singh S/o Yogendra Singh, R/o 463, Sector 39, Jharsa, P.S.-
Sadar, District- Gurugram (Haryana).

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

WITH

Criminal Appeal (SJ) No.77 of 2018

Arising Out of PS.Case No. -571 Year- 2017 Thana -KOTWALI District- PATNA

=====

1. Mithilesh Singh W/o Sri Nirbhay Singh, R/o 463, Sector 39, Jharsa,
P.S.- Sadar, District- Gurugram (Haryana).

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

(In both the cases)

For the Appellant/s : Mr. Dharendra Singh, Advocate

For the Respondent/s : Smt Usha Kumari No-1, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 29-03-2018

Heard learned counsel for the parties.

Both these appeals under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 against the refusal of prayer for bail by the learned
Special Judge (S.C./S.T. Act), Patna, in connection with Special
Case No.756 of 2017, arising out of Kotwali Police Station Case
No.571 of 2017 registered under Sections 406 /467/ 468



/471/472/120B/419/420/416 of the Indian Penal Code, Section 138 of the N.I. Act and Sections 3(1)(x)/3(1)(r)/3(2)(B) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant had advanced friendly loan to the tune of Rs.17, 50,000/- (Seventeen lacs and fifty thousand) to petitioner Nirbhay Singh. Another petitioner is wife of Nirbhay Singh. The petitioner Nirbhay Singh issued refund cheque total amounting to Rs.17,50,000/- and all the cheques bounced.

Submission of the learned counsel for the petitioners is that the perusal of the entire FIR would reveal that both came in intimacy while they were traveling and on the way. It is unbelievable that such a huge amount was paid without any proof.

Submission of the learned counsel for the informant is that money receipts granted by petitioner Nirbhay Singh are with the informant.

Considering the nature of dispute and period of custody of the petitioners since 22.11.2017 as well as completion of investigation, let the appellants, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction



of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J)

Mkr./-

U		T	
---	--	---	--

