

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3657 of 2019**

Arising Out of PS. Case No.-248 Year-2018 Thana- SIKARPUR District- West Champaran

NARSHING PANDIT @ NARSINGH PANDIT Son of Prasad Pandit
Resident of Village - Mahuawa, P.S.- Shikarpur, Distt - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 02-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 27.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST/POCSO Act , Bettiah, West Champaran in Shikarpur P.S. Case No. 248 of 2018 registered under Sections 406, 420, 323, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act.

Co-accused Manoj Pandit has taken loan of Rs. 4 lacs from the informant for running his brick Kiln and accorded him cheque in lieu of the aforesaid amount, but aforesaid cheque was dishonoured by the bank on presenting the same for



insufficient fund and not matching the signature of the drawer. On demanding aforesaid money by the informant from the said accused, said accused and the appellant arriving at his house slated him in the name of his caste and entered into scuffle with him and denied to return his money.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has neither taken any loan from the informant nor accorded him any cheque. He has been falsely implicated in the case merely because he happens to be father of Manoj Pandit. The allegation of slating levelled against the appellant is not specific rather general and omnibus in nature. Said slating is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Informant has not sustained any injury in the occurrence. Moreover, aforesaid co-accused has returned the aforesaid money to the informant and case between the parties has been compromised. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the



event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, SC/ST/POCSO Act, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 248 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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