

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4236 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- SC/ST District- Samastipur

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Lalan Prasad Singh Son of Visheshwar Singh @ Bisheswar Singh Resident of
Village - Vishanpur Bathua, P.S.- Pusa, Distt - Samastipur at present residing
at Azad Nagar, P.S.- Muffasil, Distt - Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Raja Ram Mishra, Advocate
For the Respondent/s : Mr. Usha Kumari 1, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 29-11-2019 Heard learned counsel for the appellant and learned
counsel for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the order dated 08.08.2019 passed by the learned Special Judge, SC/ST Act, Samastipur, in SC/ST P.S. Case No. 10 of 2019, registered for the offences under Sections 341, 323, 34, 354, 420, 504 and 506 of the Indian Penal Code and Section 3(1)(r) and 3(1)(s) of Schedule Caste/ Schedule Tribe (Prevention of Atrocities) Act 1989, whereby the prayer of regular bail has been rejected. The appellant is in custody since 13.07.2019.

Learned counsel for the appellant submits that on account of the present malicious prosecution against the appellant he has been languishing in jail since 13.07.2019. It is



further submitted that there was a dispute regarding payments between the parties and only because the petitioner owes Rs. 5,00,000/- (Rupees Five Lakhs) to the informant and had given Cheques against the loan, the present case has been lodged making false and frivolous allegations under the S.C./S.T. (P.O.A.) Act. Learned counsel for the appellant further submits that if at all any Cheque has bounced, the remedy of the informant lays before the appropriate Court under the N.I. Act and not in the present mischievous complaint and FIR against the appellant.

Considering the aforementioned facts and circumstances of the case and that the appellant has already been in jail custody for around five months, let the appellant, above named, be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned Special Judge, S.C./S.T. (P.O.A.) Act, Samastipur in connection with SC/ST P.S. Case No. 10 of 2019.

With the aforesaid, the present appeal stands allowed and consigned to records.

(Anjana Mishra, J)

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