

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4447 of 2019

Arising Out of PS. Case No.-763 Year-2019 Thana- AGAMKUAN District- Patna

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ARUN KUMAR S/o- Sri Ramchandra Prasad Resident of Village- Dumri,
P.S.- Avtar Nagar, District- Saran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Babita Kumari

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4 25-10-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 09.09.2019 passed by learned Additional Sessions Judge-XX-cum Special Judge SC/ST Act, Patna in connection with Agamkuan P.S. Case No.763 of 2019 registered under Sections 406, 420, 467, 468 & 471/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant runs the business of property dealing.



He made the informant his partner in the said business on assurance of giving the commission to him. He had taken Rs.7,46,000.00 from him but he did not purchase any property and on demand he returned Rs.5,66,000.00 to him while Rs.1,80,000.00 is due to him which he did not return despite repeated demands.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case by the informant due to ulterior motive. As a matter of fact, both partners were involved in the land business and there is some dispute between them with regard to accounting of profit in the income of business. It is a case of civil nature and there was no intention to deceive the money. Appellant has no criminal antecedent and has been languishing in custody since 21.08.2019.

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

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XX-cum Special Judge



SC/ST Act, Patna in connection with Agamkuan P.S. Case
No.763 of 2019.

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

(Prakash Chandra Jaiswal, J)

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