

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5038 of 2019

Arising Out of PS. Case No.-26 Year-2009 Thana- SULTANGANJ District- Bhagalpur

MANISH PRASOON @ MANISH KUMAR SINGH Son of Late Sridhar Pd.
Singh @ Late Sridhar Prasad Resident of Village - Rasidpur, P.S. - Bath,
District- Bhagalpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjan Kumar Jha
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

2 19-11-2019 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 bail vide order dated
09.09.2019 passed by learned 3rd Addl. Sessions Judge cum
Special Judge, SC/ST Act, Bhagalpur in Sultanganj P.S. Case
No. 26 of 2009 registered under Sections 420, 406, 467, 471 and
120B of the Indian Penal Code and Sections 3(1)(X) of the
SC/ST Act.

Appellant is said to have taken Rs.3,50,000/- from the
informant in the name of managing job of T.T. in Railway for
him, but he neither managed said job for him nor returned his
money despite making several requests and on demand of the



money he slated him and extended threatening of dire consequence along with other accused persons.

It is submitted by learned counsel for the appellant that appellant has not taken any money from the informant. There is no evidence of giving any money to the appellant by the informant. Moreover aforesaid agreement to secure appointment by unfair means itself is unlawful and prohibited under the law is *void ab initio* under the Indian Contract Act and concept of cheating shall have no application where the Act which is stated to constitute cheating was itself an offence. Earlier the appellant was enlarged on anticipatory bail by this Court but he could not surrender before the learned lower court even after taking extension as father of the appellant has passed away and he was very much depressed due to sad demise of his father. However he has surrendered in the court below on 09.09.2019 and has been languishing in custody since then. Parties to the case have compromised the matter. Appellant has no criminal antecedent.

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 enlarged 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 3rd Addl. Sessions Judge cum Special Judge, SC/ST Act, Bhagalpur in connection with Sultanganj P.S. Case No. 26 of 2009.

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

(Prakash Chandra Jaiswal, J)

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