

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3896 of 2024

Arising Out of PS. Case No.-831 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

=====

Deepak Kumar Son of Ramu Sah Mohalla- Gola Road, Daldali Bazar, Police
Station- Town, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ratan Paswan Son of Sone Lal Paswan Village- Bhikhanpura, Police
Station- Sadar, District- Muzaffarpur

... .. Respondent/s

=====

Appearance :

For the Appellant	:	Mr. Sanjay Kumar S.K., Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	Mr. Upendra Kumar Chaubey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-01-2026 Heard learned counsel for the appellant, learned

Spl.PP for the State and learned counsel for the

informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 22.07.2024, passed in a case registered for the offence punishable under Sections 406, 420, 379 and 34 of the Indian Penal Code, Section 138 of the Negotiable Instruments Act and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. It is a case of cheque bounce. As per the



prosecution case, it is alleged that a cheque of Rs. 1,90,000/- issued by this appellant for purchasing a piece of land got dishonored due to insufficiency of funds. It is further alleged that when the informant went to ask for the money, he was abused by caste name and drove out of the house.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. Appellant has falsely been implicated in this case with ulterior motive. The F.I.R. does not disclose that any member of public was present at the alleged incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Act is made out against this appellant. However, it is submitted that at this stage, without admitting his guilt, appellant is ready to deposit the alleged defalcated amount amounting to Rs. 1,90,000/- (Rupees one lakh ninety thousand), in easy installments.

5. On the other hand, learned Special PP for the State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and the



aforesaid undertaking, this appeal is allowed and the impugned order dated 22.07.2024 passed by the Court of learned Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with A.B.P. No. 2002 of 2024 arising out of Muzaffarpur Sadar P.S. Case No. 831 of 2022 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, 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 Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 831 of 2022, along with the following terms and conditions:

- “A. At the time of furnishing bail-bond Rs. 1,00,000/- (Rupees one lakh) shall be deposited through cash in the Nazarat of the Civil Court, Muzaffarpur.
- B. Rest amount i.e. Rs. 90,000/- (Rupees ninety thousand) shall be deposited in the Nazarat of Civil Court, Muzaffarpur in two equal installments within a period of six months from the date of furnishing bail-bond.
- C. The aforesaid payment shall be subject to the final outcome of the case.
- D. If appellant fails to comply the aforesaid direction of this Court, the learned Trial Court is free to cancel the bail-bond of the



appellant.”

8. It is made clear that without going into the merit of the case, the aforesaid order has been passed only for the purpose of grant of bail.

(Prabhat Kumar Singh, J)

shashank/-

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

