

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.2151 of 2017**

Arising Out of PS.Case No. -143 Year- 2017 Thana -DIGHA District- PATNA

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1. Sona Singh, aged about 53 Years, W/o Mithilendra Kumar Singh,
2. Sangeeta Singh @ Sangeeta Devi, aged about 45 years, W/o Satyendra Kumar Singh,
3. Neha Singh, aged about 32 years, W/o Ashutosh Singh @ Pappu.
4. Saurabh Singh @ Saurabh Kumar, aged about 22 years
5. Sagar Singh @ Sushant Sagar, aged about 19 years, Both are Sons of Satyendra Kumar Singh, All are R/o Nirala Nagar, Digha Ghat, P.S.- Digha, District- Patna.

.... .... Appellants

Versus

The State of Bihar

.... .... Respondent

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**Appearance :**

For the Appellant/s : Mr. Saroj Kumar Sharma, Advocate  
For the Respondent/s : Ms. Usha Kumari No.1, Special P.P.  
For the Informant : Mr. Sushanta Kr. Das with Ms. Sanghamitra Ghosh, Advocates

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

5      08-09-2017      Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel for the informant.

This appeal has been filed for grant of pre-arrest bail in connection with Digha P.S.Case No. 143 of 2017 registered for the offences punishable under Sections 420, 406 of the Indian Penal Code, Section 3(s ) of SC/ST Act and Section 138 of N.I. Act.

Allegation as per FIR against the appellants is that they have executed an agreement in favour of informant and received consideration amount of Rs.10 lakhs and after agreement, they refused to execute sale deed and sold the land to some other person and further allegation is that when he protested the same, they have abused him by taking his caste name and further some



of the appellants have thrown spit on his face.

Submission of learned counsel for the appellants is that this is out and out a civil dispute and due to that occurrence took place. So far allegation of abuse is concerned, submission is that the occurrence took place in the house of the appellants and not in public place, as such, provision of SC/ST Act is not applicable to them. Further submission is that appellant No.5 is a student.

Learned Special P.P. and learned counsel for the informant have opposed the prayer for pre-arrest bail stating that not only they have abused the informant by taking his caste name but appellant 4 and 5, namely, Saurabh Singh and Sagar Singh, have thrown spit on his face and caused humiliation to him.

Having heard both sides and in view of facts and circumstances of the case, the appeal is not maintainable with respect to appellants 4 and 5 and, as such, I am not inclined to grant privilege of pre-arrest bail to them. They should surrender and pray for regular bail, which shall be considered by learned Special Judge on its own merit and he will dispose it of, if possible, on the same day, without being prejudiced by this order.

So far appellants 1 to 3 are concerned, it appears that allegation against them is of violation of agreement, as such, they are directed to surrender within a period of six weeks and on their so surrendering, they shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two



sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-II-cum-Special Judge, SC/ST Act, Patna, in connection with Digha P.S. Case No.143 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions that :-

- (1) One of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of court concerned,
- (2) Appellants 1 to 3 will co-operate in investigation of the case and will appear before the Investigating Officer as and when required and on failure to appear without any genuine reason, the prosecution will be free to move for cancellation of their bail bonds.

The appeal is, accordingly, disposed of.

**(Vinod Kumar Sinha, J)**

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