

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.677 of 2019**

Arising Out of PS. Case No.-596 Year-2018 Thana- CHAPRA TOWN District- Saran

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1. Satya Prakash Gupta, son of Late Ramlakhan Sah.
 2. Sanjiv Kumar @ Sanjiv Kumar Gupta @ Chunnu, son of Satya Prakash Gupta.

Both resident of Mohalla- Mauna Chowk, P.S.- Chapra, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar Verma

For the Respondent/s : Mr.Sadanand Paswan

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

Date : 28-02-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 21.01.2019 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Saran, Chapra in ABP No. 4107 of 2018 arising out of Chapra Town P.S.Case No. 596 of 2018 registered under Sections 406 and 420/34 of the Indian penal Code and Sections 3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per FIR which has been registered on the basis of complaint petition that informant gave Rs. 4,00,000/- to the appellants as an advance for executing the sale deed with respect to some land but they did not execute sale deed and when he demanded money back, he was abused by caste name and also assaulted by fist and slaps.



Submission of learned counsel for the appellants is that appellant no. 1 has already executed sale deed with respect to that land to the wife of the informant on 30.04.2017 which will appear from Annexure-2 series whereas the present case has been filed on 06.10.2017.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Saran, Chapra in ABP No. 4107 of 2018 arising out of Chapra Town P.S.Case No. 596 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to them.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

