

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1215 of 2019

Arising Out of PS. Case No.-385 Year-2018 Thana- BIKRAM District- Patna

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1. Om Prakash Pandey Son of Bholanath Pandey, Resident of Village, P.O and P.S.- Bikram, Near Bikram, Block, District- Patna.
 2. Dhananjay Singh @ Dhananjay Kumar Singh Son of Suresh Singh, Resident of Village- Bisarpur, P.S.- Naubatpur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sony Kumari W/o Ajay Kumar Resident of Village-Karasa, P.O and P.S.- Bikram, District-Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhat Kumar Dipak
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 21-08-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 31.01.2019 passed by learned Special Judge, SC/ST (PoA) Act, Patna in Bikram P.S. Case No. 385 of 2018 registered under Sections 467, 468, 471, 420, 406, 504, 506 of the Indian Penal Code and Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant no. 1 is said to have taken Rs. 7,38,000/-



from the informant on agreement to execute his land in favour of the informant, but the aforesaid land was found to be disputed, and on demand of money by the informant, he slated her in the name of her caste.

It is submitted by learned counsel for the appellants that the appellants have been falsely implicated in this case due to ulterior motive. No offence under SC/ST Act is made out against the appellants as the slating is said to have been made at the house of the appellant no. 1 and not in the public view. Moreover, the parties to the case have settled their dispute through Patna High Court Mediation Centre and as per the settlement, the appellants have given Rs. 2 lac to the informant on 14th August, 2019 and are ready to pay rest of the money in ten equal installments of Rs. 53,800/- each commencing from 15th September, 2019. Appellants have no criminal antecedent.

Learned counsel for the informant turning up before the Court also conceded the factum of aforesaid settlement between the parties.

Having regard to the facts and circumstances of the case, let the above named appellants be released on provisional bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from



today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (PoA) Act, Patna in connection with Bikram P.S. Case No. 385 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

However, learned court below shall be at liberty to confirm the provisional bail of the appellants on making payment of last installment by the appellantns to the informant as per the aforesaid settlement.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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