

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4649 of 2018

Arising Out of PS. Case No.-4 Year-2017 Thana- SC/ST District- Saran

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1. Sima Byahut, Wife of Nawal Kishore Prasad
 2. Nawal Kishor Prasad, Son of Kailash Prasad
- Both Resident of Village-station Road Siwan Behind Vishal Mega Market,
P.S. and Distt.-Siwan

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ramchandra Sahni, Advocate.
Mrs. Saroj Kumari, Advocate.

For the Respondent/s : Mr.Sri Sadanand Paswan, Advocate.
Mr. Anil Kumar Tiwari, Advocate.
Mr. Akshansh Ankit, Advocate.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 22-02-2019

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 08.10.2018 passed by the learned 1st Addl. Sessions Judge, Saran at Chapra in ABP No. 2947 of 2018 arising out of Saran SC/ST P.S.Case No. 04 of 2017 registered under Sections 323, 341 and 379 of the Indian penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per the FIR is that complainant/informant and one Niraj Kumar Singh negotiated to purchase land from accused persons including the appellant and they took Rs. 5 lacs



on 18.02.2016 and an agreement was also executed in favour of the complainant/informant and Niraj Kumar Singh. It was also decided that after payment of full consideration amount, accused will execute the sale deed in favour of the persons as instructed by the complainant/informant and Niraj Kumar Singh but accused persons without direction of the complainant/informant, has executed sale deed in the name of other person namely Chandan Kumar on 28.08.2016 and on protest they abused the complainant/informant by caste name and assaulted by fist and slaps and also did not return the money.

Submission of learned counsel for the appellants is that whole case is false and concocted and they have not taken the amount, as stated in the complaint petition, and further at best they have taken Rs. 51,000/- at the time of agreement with him.

Heard learned Spl. P.P as well as learned counsel for the complainant, who have opposed the prayer of bail stating that after taking consideration money, they have executed the sale deed inn favour of other person and that is clearly a case of forgery and cheating and further its a case comes under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the appellants rather they should surrender within a period of six weeks from the date of receipt of a copy of this order and make prayer for regular bail, which shall be considered and disposed of on the basis of materials available on records without being prejudiced by this order, if possible, on the same day.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

