

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2301 of 2019

Arising Out of PS. Case No.-208 Year-2018 Thana- NADI P.S. District- Patna

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1. PARMANAND THAKUR Son of Late Bulken Thakur Resident of Village - Sammaspur, Jafrabad, P.S.- Nadi, District- Patna
 2. Ashwani Thakur @ Ashwani Kumar Son of Parmanand Thakur Resident of Village - Sammaspur, Jafrabad, P.S.- Nadi, District- Patna

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Harish Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 23-07-2019 Learned counsel for the appellants seeks permission to withdraw the present appeal on behalf of the appellant No.1 Parmanand Thakur submitting that the aforesaid appellant has passed away during the pendency of this appeal.

Permission is granted.

Accordingly, the present appeal arising out of Nadi P.S. Case No. 208 of 2018 (Special Case No. 670 of 2018) is hereby dismissed as withdrawn against the aforesaid appellant.

Heard learned counsel for the appellant appearing on behalf of the appellant No. 2 Ashwani Thakur @ Ashwani Kumar and learned Spl. P.P. for the State.

This is an appeal under Section 14 (A) (2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 18.2.2019 passed by learned Special Judge (SC/ST) Act, Patna in connection with Nadi P.S. Case No. 208 of 2018, registered under Sections 406, 420,120 (B) of the Indian Penal Code and also under Section 3 (1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant No. 2 Ashwani Thakur along with appellant No. 1 Parmanand Thakur (deceased) approached the informant to sell out their half build house to him and appellant No. 1 Parmanand Thakur (deceased) received Rs. 2,80,000/- (rupees two lacs eighty thousand) from the informant and appellant No.2 witnessed the said documents. Subsequently the informant accorded Rs. 2,72,000/- on different dates to appellant no.1. Thus the informant has accorded him Rs. 5,52,000/- but sale deed was not executed in favour of the informant despite giving legal notice to him and when informant arrived to the house of the appellants to request him to execute the land in his favour they slated the informant in the name of his caste.

It is submitted by the learned counsel for the appellant



that the appellant has no concern with the aforesaid occurrence. He has neither taken money from the informant nor executed agreement of sale in his favour. He only happens to be witness of the said agreement of sale. Moreover, allegation of slating the informant in the name of his caste is said to have been made in the house of appellant and not in public view. It is a case of civil in nature. He has no criminal antecedent.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Patna in connection with Nadi P.S. Case No. 208 of 2018 (Special Case No. 670 of 2018), subject to condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the present appeal is disposed of.

(Prakash Chandra Jaiswal, J

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