

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2547 of 2019

Arising Out of PS. Case No.-1 Year-2018 Thana- SC/ST District- Gaya

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BASANT DAS Son of Late Fagu Das Resident of Village- Bhalua
(Karmauni), P.S.- Dobhi, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mrs. Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 09-08-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor 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 in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 02.05.2019 passed by learned Special Judge SC/ST Act, Gaya in connection with Gaya SC/ST P.S. Case No.01 of 2018 registered under Sections 420, 467, 468, 471, 120-B, 323 & 384 of the Indian Penal Code and Section 3(1) (c) (f) (g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have executed 4½ decimal



land of the informant to one Ashok Yadav. When the informant went to the house of Ashok Yadav, the accused persons named in the complaint petition slated him in the name of his caste.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to land dispute. He has no concern with the aforesaid occurrence. As a matter of fact, Ashok Yadav taking the appellant under the impression that the land in question is of the appellant got the aforesaid land executed in his favour keeping the appellant in dark and playing fraud upon him as he happens to be illiterate and rustic person and on learning the same the appellant filed an affidavit before the learned Court below to the said effect. Informant in his further statement and witnesses have also supported the aforesaid case of the appellant. Moreover, this is a case of civil nature. Appellant has no criminal antecedent and has been languishing in custody since 04.04.2019. The said Ashok Yadav and others have been enlarged on bail by a coordinate Bench of this Court vide judgment dated 06.09.2018 in Cr. Appeal (SJ) No.3178 of 2018.

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



In the facts and circumstances of the case, the above named appellant is directed to be released on bail 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 Act, Gaya in connection with Gaya SC/ST P.S. Case No.01 of 2018.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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