

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3191 of 2019

Arising Out of PS. Case No.-139 Year-2018 Thana- COMPLAINT CASE District- Araria

SATYA NARAYAN YADDAV @ SATYA NARAYAN YADAV Son of Late
Kushai Yadav Resident of Village - Saifganj, Ward No. 08, P.S.- Forbesganj,
District- Araria

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. Masnu Rishideo Son of Late Somi Rishideo Resident of Village - Saifganj,
P.S.- Forbesganj, District- Araria, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharma, Advocate
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 16-11-2019 Heard Mr. Bikram Deo Singh, learned advocate

for the petitioner and Mr. Ramesh Kumar Singh for the

opposite party no. 2. The counsel for the State has

rendered assistance in this case.

The appellant has challenged the order dated

10.06.2019 passed by the learned 1st Additional

Sessions-cum-Special Judge, Araria in A.B.P. No. 1061

of 2019 arising out of Spl. (SC/ST) Case No. 104 of

2019 which corresponds to Complaint Case No. 139 of

2018, whereby the prayer made on behalf of the



appellants for grant of pre-arrest bail for the offences under Sections 420, 406 and 467 of the Indian Penal Code and Sections 3(i)(x) of the SC/ST Act has been rejected.

The substratum of the allegation against the appellant is that he had accepted Rs. 1,40,000/- from the complainant/opposite party no. 2 for executing a piece of land in his favour but he neither executed the document/sale deed nor returned the money. It has further been alleged that when he demanded his money back, the appellant along with others set his house on fire sometimes in the year 2011, which led to the destruction/desecration of the agreement between the parties for sale of such land.

Learned counsel for the appellant has drawn the attention of this Court to the fact that earlier the complaint lodged by the opposite party no. 2 was sent under Section 156(3) Cr.P.C. for institution of a regular case whereupon an FIR was registered. After



investigation, because of paucity of evidence, final report false was submitted in favour of the appellant. However, the protest petition which was on record was treated as complaint whereupon cognizance has been taken.

It appears rather strange at this point of time that the document on which the complainant rests his claim is alleged to have been burnt in an occurrence of setting fire to his house against which a complaint case though has been lodged but has not been adjudicated upon finally as yet. It also appears rather queer that the opposite party no. 2 further relies upon a paper report which was published at that time when his house was set on fire.

It clearly appears that there is a dispute with respect to sale and purchase of a property and deliberately the provision of Section 3 of the SC/ST Act has been introduced so as to prevent the appellant from taking advantage of anticipatory bail.

For the reasons aforementioned, this Court is



inclined to and allows the appeal. The order dated 10.06.2019 is set aside.

On the appellant surrendering before the court below within a period of three weeks, when he shall be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in A.B.P. No. 1061 of 2019 arising out of Spl. (SC/ST) Case No. 104 of 2019 which corresponds to Complaint Case No. 139 of 2018.

(Ashutosh Kumar, J)

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