

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3735 of 2019

Arising Out of PS. Case No.-936 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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PRADEEP KUMAR YADAV Son of Late Suresh Prasad Yadav Resident of
Mohalla- Sahebganj, P.S.- University, District- Bhagalpur. ... Appellant.
Versus

1. The State of Bihar.
2. Anita Devi Wife of Sri Kiran Rajak Resident of Mohalla- Sahabganj, P.S.-
University, District- Bhagalpur. ... Respondents.

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Appearance :

For the Appellant/s : Mr. Rajive Ranjan Singh
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

4 15-10-2019 Heard learned counsel for the appellant, learned
counsel for the informant 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 of anticipatory bail
vide order dated 19.07.2019 passed by learned 3rd Additional
Sessions Judge cum Special Judge, Bhagalpur in connection
with Complaint Case No. 936 of 2018 registered under Sections
406, 420, 120 B & 504 of the Indian Penal Code and Section
3(1) (x) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Appellant got the complainant introduced with



one Jayant Kumar and the said Jayant Kumar in turn got the complainant interacted with Bidhan Chand Choudhary who disclosed regarding execution of power of attorney by him in favour of Jayant Kumar and relying upon the appellant, the complainant got executed the land in her favour giving Rs.24,00,000/- to both Jayant Kumar and the appellant. Albeit in the said deed, the sale consideration was mentioned as Rs.20 lacs only. When the complainant filed an application for mutating her name over the property in question, the said Bidhan Chand Choudhary raised objection against the same submitting that he had not executed any power of attorney in favour of Jayant Kumar. On 17.06.2018 when the complainant approached the appellant and another accused persons claiming hand over possession over the property in question, they slated her in the name of her caste and appellant slapped on her face while Bidhan Chand Choudhary snatched her bag and tore her blouse.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case merely because he happened to mediator in the sale transaction. The said Jayant Kumar had executed the land in question in favour of



complainant on the basis of registered power of attorney executed in his favour by Bidhan Chand Choudhary and the said Bidhan Chand Choudhary has yet not cancelled the said power of attorney executed in favour of Jayant Kumar. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. There is inordinate delay of three days in lodging the F.I.R. without assigning any plausible explanation for the said delay. Appellant has no criminal antecedent.

On the other hand, learned Spl. PP for the State and learned counsel for the informant opposing the prayer for bail submitted that the appellant had received part of the sale consideration from the complainant against receipt and got executed the sale deed in her favour by one Jayant Kumar without any right on the basis of alleged power of attorney purported to be executed by Bidhan Chand Choudhary and the said Bidhan Chand Choudhary has also filed a criminal case against the Jayant Kumar Chaudhary. Hence, the appellant does not deserve bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender



before the learned Court below within a period of six weeks from today, 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 3rd Additional Sessions Judge cum Special Judge, Bhagalpur in connection with Complaint Case No. 936 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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