

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5551 of 2019

Arising Out of PS. Case No.-38 Year-2019 Thana- SC/ST District- Patna

1. MONIKA CHAUHAN @ MONIKA CHAUDHARY W/o Appolo Kumar Chauhan Resident of Sant Johns High School Purvi Boring Canal Road, P.S.- Budha Colony, District- Patna.
2. Apolo Kumar Chauhan @ Appolo Kumar Chauhan S/o Late Sohan Singh Chauhan Resident of Sant Johns High School Purvi Boring Canal Road, P.S.- Budha Colony, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-12-2019 Appellants seek pre-arrest bail in connection with Special Case No. 540 of 2019, arising out of SC/ST P.S.Case No. 38 of 2019 registered for the offences punishable under Sections 341, 406, 420, 120B, 504, 506/34 of the Indian Penal Code and Sections 3 (i)(r)(s) and 3(ii)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case as per FIR is that informant approached co-accused Ravi Ranjan Singh @ Tutu Singh with respect to purchase of a piece of land, who has taken Rs.2 lac as advance from him and thereafter executed a Bainama with respect to 1-1/2 katha of land at the rate of Rs.17,50,000/- per katha and the said Ravi Ranjan has shown that the land is of the



appellant No.1, who has purchased the same. It is also alleged that after taking loan when the informant went to take possession over the land he was stopped by one Kamta Rai claiming that the land belongs to him and information about the same was given to the appellants but they were not coming forward to get the possession over the land to the informant. It is also alleged that when he demanded the amount back they proposed him to sell the land to some other person and amount will be given to the informant and rest of the amount will be taken by the appellants and as such they have cheated the informant by executing sale deed with respect to a disputed land.

Submission of learned counsel for the appellants is that land belongs to the appellants and after execution mutation was also made but some other person claimed to have got possession over the same, as such no case under Section 420 IPC and Section 3(ii)(va) of SC/ST Act is made out against the appellants.

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail of the appellants stating that knowing fully that the land is disputed land they have sold the same to the informant and not returned the money, as such they have



cheated the informant.

Having heard both sides and in the facts and circumstances, as stated above, I am not inclined to grant the privilege of anticipatory bail to the appellants.

Accordingly, this appeal is dismissed.

However, appellants are directed to surrender and pray for regular bail, which shall be considered on its own merit, without being prejudiced by this order.

(Vinod Kumar Sinha, J)

spal/-

U		T	
---	--	---	--

