

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.951 of 2020

Arising Out of PS. Case No.-763 Year-2019 Thana- AGAMKUAN District- Patna

Radhika Kumari Wife of Arun Kumar Resident of Mohalla - Bahadurpur
Housing Colony, P.S.- Agamkuan, District- Patna ... Appellant

Versus

The State of Bihar ... Respondent

Appearance :

For the Appellant : Mr. Ajay Kumar Thakur, Advocate and
Mr. Md.Imteyaz Ahmad, Advocate

For the Respondent : Mrs.Usha Kumari 1, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-10-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 09.12.2019, passed by learned Additional Sessions Judge VIII cum Special Judge, SC/ST Act, Patna in a case registered for the offence punishable under Sections 420/34 and other allied sections of the Indian Penal Code and Section 3 (i) (r) (s) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

The informant alleges that in course of purchase and sale of land, the appellant, her husband Arun Kumar and her son Sham Kaushal committed forgery and took Rs.7.46 lacs from the informant. It is further alleged that when the informant opposed the same, all the accused persons abused and assaulted him and his family members.



Learned counsel for the appellant submits that the appellant has falsely been implicated in this case. He submits that in fact both the parties, in partnership, were operating the business of purchase and sale of lands but later on dispute arose on the point of share in the profit. He submits that in fact the informant is not returning Rs. 5 lacs of her husband and on mounting pressure, the instant case has been lodged. Allegation is general and omnibus against the appellant and the specific allegation, if any, is against co-accused Arun Kumar. He further submits that from perusal of the FIR, no case under the SC/ST Act is made out against the petitioner rather it is a civil dispute.

Learned counsel for the state on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties, this appeal is allowed and the impugned order is set aside.

Accordingly, in the event of arrest or surrender by the appellant, above named, before the court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VIII cum Special Judge SC/ST Act, Patna in Agamkuan Police Station Case No. 763/2019, subject



to the condition as laid down under Section 438 (2) of the Code
Of Criminal Procedure.

(Prabhat Kumar Singh, J)

Shashi

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

