

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3742 of 2019**

Arising Out of PS. Case No.-45 Year-2019 Thana- MAHESI District- East Champaran

Santosh Kumar, s/o Devnarayan Rai, R/o Village-Kankati, P.S. Mehshi, Distt-East-Champaran.

... .. Appellant/s

Versus

1. The State of Bihar  
2. Sri Sanjay Kumar Rajak s/o Hullash Baitha R/o Village-Kankati, P.S. Mehshi, Distt-East-Champaran.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Jai Prakash Verma, Advocate  
For the Respondent/s : Mrs. Usha Kumari 1,S.P.P.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

5      13-02-2020                      Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 14.06.2019 by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC&ST, East Champaran, Motihari in A.B.P. No. 962/2019 arising out of Mehshi P.S. case No. 45/2019 registered under Section 420 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The parties had entered into an agreement to sell immovable property vide written agreement dated 30.11.2018



whereunder the informant agreed to sell two Kathas of the referred land to the appellant on total consideration of Rs. 2,25000/-. The informant received one lac in cash and one lac through cheque referred in the complaint petition and in the account of the complainant.

In the aforesaid background, the allegation is that on 12.12.2018 the informant had given loan of Rs. one lac to the appellant and appellant issued a refund cheque which allegedly bounced and for that reason an occurrence of abuse and assault took place.

Though learned counsel for the appellant submits that the agreement is a forged one, however, for the purpose of consideration of the prayer for anticipatory bail, in my view the criminal prosecution is an abuse of the process of the court and if prayer of the appellant is not allowed it would result in failure of justice for the reason that apparent dispute between the parties is a dispute of civil nature.

Considering the aforesaid facts, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 20,000/- ( Twenty Thousand) each with two sureties of



the like amount each to the satisfaction of the learned Court-  
below where the case is pending in connection with the  
aforesaid case, subject to the conditions as laid down under  
Section 438(2) of the Code of Criminal Procedure as well as  
condition that the appellants shall fully cooperate with the  
investigation/trial of the case, failing which the court below  
shall be at liberty to cancel the bail bond of the appellants.

The appellant shall not leave the country without  
permission of the trial court.

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

**(Birendra Kumar, J)**

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