

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5911 of 2019

Arising Out of PS. Case No.-593 Year-2018 Thana- SAKRA District- Muzaffarpur

1. Amardeep Kumar, aged about 46 years, Gender-Male, Son of Late Surydev Prasad, Resident of Village - Ali Sarai, Post - Machhi, P.S.- Sakra, District - Muzaffarpur.
2. Abhinavdeep @ Rikesh Kumar, aged about 19 years, Gender-Male, Son of Amardeep Kumar, Resident of Village - Ali Sarai, Post - Machhi, P.S.- Sakra, District - Muzaffarpur.
3. Rinku Devi @ Rinkudeep, aged about 40 years, Gender-Female, Wife of Amardeep Kumar, Resident of Village - Ali Sarai, Post - Machhi, P.S.- Sakra, District - Muzaffarpur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr.Dhananjay Kumar, Advocate.
For the Respondent	:	Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 06-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Sakra P.S. Case No. 593 of 2018, registered for the offences under Sections 406 and 420 of the I.P.C. and Sections 3(1)(r) (s) of the SC/ST Act.

The prosecution case, in short, is that the informant



and the appellant no. 1 have familiar as well as commercial relations. Therefore, the appellant no. 1 used to transact in terms of money with the informant since last 7-8 years. In this commercial connection, Rs. 19,00,000/- of the informant became overdue upon the appellant no. 1. In January, 2018, when the informant demanded his money from the appellant no. 1, whereby the appellant no. 1 issued him two Cheques bearing No. 005252 and 005263 of Account No. 465920110000048 under his signature of Rs. 9,00,000/- and Rs. 10,00,000/- respectively. However, after 2-3 days, appellant no. 1 allegedly called the informant at his 'Amardeep Bricks Company' alongwith both the Cheques where his son Abhinavdeep alias Rikesh Kumar and his wife Rinkudeep alias Rinku Devi were also present and talked about selling his 'Amardeep Bricks Company' to the informant for Rs. 50,00,000/-. Upon agreement, he allegedly set off Rs. 19,00,000/- against Rs. 50,00,000/- and also allowed the informant to pay rest Rs. 31,00,000/- gradually and took back his Cheques issued in favour of the informant and requested for two months time to execute the seller agreement. Later on, when the informant came to know that the appellant no. 1 has executed seller agreement for his 'Amardeep Bricks Company' in favour of his



sister Kajal Kumari and for 'Anshu Bricks Company' in favour of Manoj Paswan, he demanded his money back, then all appellants asked for 4-5 months of time because the amount was too high. Meanwhile, all the appellant no. 3 allegedly filed a false informatory petition on 20.07.2018 then all three appellants abused him with caste indicating words and also quarrelled with him and also refused to return back his money.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the appellants. There was money transaction between the appellant no. 1 and the informant of the case. As per allegation, the brick-kiln in question was to be executed in favour of the informant. The matter purely relates to civil dispute. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 09.12.2019, passed by learned Special Judge, (SC/ST Act) Muzaffarpur, in A.B.P. No. 2363 of 2018, arising



out of Sakra P.S. Case No. 593/2018, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act Court, Muzaffarpur, in connection with Sakra P.S. Case No. 593 of 2018.

(Sudhir Singh, J)

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