

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.353 of 2020**

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

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Jayant Kumar, aged about 35 years, Male, Son of Indradeo Yadav, Resident of
Village - Dhanni Chak, P.S.- Amarpur, Dist.- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Anita Devi, W/o Kiran Rajak, Resident of Village - Sahabganj, P.S.-
University, Dist.- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mrityunjay Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 27-01-2021 Heard learned counsel for the appellant and learned
counsel for the informant/respondents.

The appeal is against the order dated 19.12.2019
passed by learned Special Judge, S.C/S.T Act-cum-Additional
District and Sessions Judge 3rd, Bhagalpur in A.B.P. No.2842 of
2019, whereby the Anticipatory Bail Petition of the appellant in
connection with Complaint Case No.936 of 2018 for the
offences punishable under Sections 406, 420, 120(B), 504 of the
Indian Penal Code and Sections 3 (1)(x) SC/ST (Prevention of
Atrocities) Act, has been rejected.

The prosecution story in brief is that one of the co-
accused Pradeep Kumar Yadav introduced the complainant with



this appellant Jayant Kumar, who is turn got the complainant interacted with Bidhan Chand Choudhary who disclosed regarding execution of Power of Attorney by him in favour of Jayant 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 co-accused Pradeep Kumar. It is said in the sale deed, the sale consideration amount was mentioned as 20,00,000/- only. When the complainant filed an application in Anchal for mutating her name over the property in question, the said Bidhan Chand Choudhary filed an 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 person claiming hand over possession over the property in question then the accused persons naming in the complaint petition stopped her way and abused her in the name of her caste and slapped on her face while Bidhan Chand Choudhary one of the accused snatched her bag and tore her blouse. She then went to the police station and tried to lodge a case but the S.H.O. has refused to lodge her complaint.

Learned counsel for the appellant submits that the



appellant is quite innocent and has falsely been implicated in the present case. He further submits that no Section 420 I.P.C. and S.C./S.T. Act is made out against the appellant. He further submits that the dispute is related to civil nature. He further submits that similarly situated co-accused has been granted bail by this Co-ordinate Bench of this Court vide order dated 15.10.2019 passed in Cr. Appeal (SJ) No.3735 of 2019.

Learned counsel for the respondents/informant has opposed the prayer for bail and submits that the appellant has not taken the money and not disputed the sale deed and the appellant and co-accused have not given the possession of the said land.

I have perused Annexure-2 by which the co-accused Pradeep Kumar Yadav has been granted bail in which it is mentioned that co-accused Bidhan Chand Choudhary has filed criminal case against Jayant Kumar (appellant) without any right on the basis of alleged power of attorney purported to be executed by Bidhan Chand Choudhary.

In the facts and circumstances of the case, I am not inclined go enlarge the above named appellant. Accordingly, the prayer for bail of the above named appellant in connection with Complaint Case No.936 of 2018 pending in the court of learned



Additional District and Sessions Judge 3rd-cum-Special Judge,
Bhagalpur is hereby rejected.

(Anjani Kumar Sharan, J)

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