

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1248 of 2021

Arising Out of PS. Case No.-70 Year-2020 Thana- SC/ST District- Purnia

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Dilip Kumar Singh, son of Late Krishmohan Singh, Resident of village- Bansi
Purandha, P.S.- Dhamdaha, Distt.- Purnia.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhola Prasad, Adv.

For the Respondent/s : Ms. Usha Kumari-1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 02-08-2021 Heard Mr. Bhola Prasad, the learned Advocate

for the appellant and Ms. Usha Kumari-1, the learned

Special Public Prosecutor for the State.

The appellant has challenged the order dated
23.12.2020 passed by the learned 1st Addl. Sessions
Judge-Cum-Special Judge, SC/ST Act, Purnea in
connection with SC/ST P.S. Case No. 70 of 2020,
instituted for the offences under Sections 341, 323, 427,



504, 506, 420 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is that the appellant had received money from the informant for transferring five kathas of land but only a small portion of land had been conveyed to the informant. However, on the assurance of the informant that rest of the land would be transferred, the informant was occupying the said portion of land for which there was an agreement with the appellant. On the day of the occurrence, the appellant and others are said to have abused the informant and she was asked to vacate the said land. On the informant asking to be paid back the money, she was again abused and assaulted.

The learned counsel for the appellant has submitted that he had sold only two and half kathas of land to the informant but surreptitiously and maliciously, the informant had encroached upon the *rayati* land of the



appellant. When this was objected, the present case has been lodged.

Mr. Bhola Prasad, the learned Advocate for the appellant has, therefore, submitted that there could be a dispute with respect to any breach of agreement regarding sale of a property, but the accusation under the S.C./S.T. (Prevention of Atrocities) Act is highly exaggerated and motivated. There is nothing on record to demonstrate that against an agreement to sell a particular plot of land, any money was given by the informant to the appellant. Every accusation is oral and is not borne out by any documentary evidence.

On these grounds, Mr. Bhola Prasad, learned Advocate, has submitted that the offence under the S.C./S.T. (Prevention of Atrocities) Act cannot be made out against the appellant. So far as the offences under the I.P.C. are concerned, it has been argued that but for the offence under Section 323 and some of the other sections for which the appellant has been charged, no other offence can be said to have been made out.



Regard being had to the aforesaid submissions, the order dated 23.12.2020, referred to above, is set-aside.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 70 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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