

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1488 of 2021

Arising Out of PS. Case No.-131 Year-2020 Thana- ARA NAWADA District- Bhojpur

1. CHANDARKALA DEVI, aged about 76 years, Female, W/O Late Jag Narayan Prasad, Resident of Village Bajari Anitah, P.S. Ara Nawada, District - Bhojpur.
2. KUMAR GAUTAM @ MUNNA, aged about 45 years, Male, S/O Jag Narayan Prasad, Resident of Village Bajari Anitah, P.S. Ara Nawada, District - Bhojpur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr. Mohit Shriwastava, Advocate.
For the Informant	:	Mr. Nityanand Tiwari, Advocate.
For the Respondent	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-08-2021 Heard learned counsel for the appellants, learned counsel for the informant and learned Special P.P. for the State through Virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with Ara Nawada P.S. Case No. 131 of 2020, arising out of Complaint Case No. 38 of 2019, registered for the offences under Sections 420, 406, 467, 468, 471, 323, 504 of the I.P.C. and Sections 3(i)(x) of the SC/ST (POA) Act.



The prosecution case, in short, is that on 05.11.2018 at about 10.00 A.M., co-accused Pawan Kumar, Jitendra Kumar and Arun Yadav advised the husband of the complainant-informant to purchase a piece of land on consideration amount of Rs. 19,20,000/- by selling his previous land. On 08.11.2018 on their advise, the complainant-informant's husband gave them cash of Rs. 7,10,000/- in advance. Thereafter, an agreement on stamp paper has been prepared in between the parties and said that the rest amount will be paid when they will get the land registered by the original landlord in the name of the complainant-informant. The husband of the complainant-informant paid Rs. 2,80,000/- on 20.12.2018, Rs. 5,00,000/- on 20.01.2019 and Rs. 3,60,000/- on 05.02.2019 to co-accused Shobha Devi and Chandra Kala Devi (petitioner no. 1) in front of those three accused persons. On 04.07.2019 the rest amount of Rs. 70,000/- was paid by cheque. On 06.03.2019 the land was registered in the name of the complainant-informant. After registration of the said land, the complainant-informant came to know that the said land does not belong to the vendor. When the complainant-informant demanded her money, accused persons did not return the money and abused her and her family members in the name of the caste and also assaulted by means



of slap.

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 them. The appellant no. 1 is a lady and she is aged about 76 years old. The matter relates to sale of land. As per allegation, some other persons are said to have sold the land which does not belong to them. The matter relates to civil dispute. Other co-accused has been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Appeal (SJ) No. 1745 of 2021 under order dated 16.07.2021. It is further submitted that the alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State and the complainant-informant, it is submitted that the appellants are named in the F.I.R. and by way of fraud, a land has been sold to the complainant-informant.

In view of the aforesaid facts and circumstances, the order dated 05.01.2021, passed in A.B.P. No. 2552 of 2020 in connection with Ara Nawada P.S. Case No. 131 of 2020, arising out of Complaint Case No. 38 of 2019 by learned Additional Sessions Judge,-Ist, Bhojpur at Ara, is set aside. The criminal



appeal is allowed.

Let 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 their personal bond to the satisfaction of the learned Additional Sessions Judge-Ist, Bhojpur at Ara, in connection with Ara Nawada P.S. Case No. 131 of 2020, arising out of Complaint Case No. 38 of 2019.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

If so advised, the complainant-informant may prefer a civil suit for redressal of her grievance before the learned court below with a competent jurisdiction.

(Sudhir Singh, J)

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