

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1228 of 2020

Arising Out of PS. Case No.-3631 Year-2017 Thana- SARAN COMPLAINT CASE District-
Saran

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1. KRISHNA PRASAD YADAV Son of Late Baijnath Prasad Yadav Resident of Village- Chhota Telpa, P.S.- Chapra Town, District- Saran.
 2. Radha Yadav Wife of Krishna Prasad Yadav Resident of Village- Chhota Telpa, P.S.- Chapra Town, District- Saran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Deepmala Devi Wife of Devballav Sah Resident of Village- Balua, P.S.- Jalalpur, District- Saran, Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhananjay Kumar Tiwary
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-02-2021 Heard the parties.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellants in connection with Complaint Case No. 3631 of 2017, Trial No. 212 of 2017 registered for the offences under Sections 341, 323, 354(B), 487, 468, 420, 406, 34 of the Indian Penal Code and Sections 3(1)(r)(w) of the SC/ST Act.

Prosecution case in short is that the informant negotiated accused Bimal Kumar to purchase the land. After



seeing the land, she agreed for Rs. 2 lac 80 thousand per Khata. Meantime, one Abhilasha Kumari made proposal to purchase the same land on the condition that all co-sharer shall have to execute sale deed.

It is further alleged that under the believe Abhilasha Kumari gave cash Rs. 151000/- to co-accused Laliteshwar Prasad Yadav while the complainant gave a cheque of Rs. 5,00,000/- to accused Krishna Prasad Yadav. Total 21,000,00/- was given to accused persons and thereafter, complainant and Abhilasha Kumari went to the house of accused Laliteshwar Prasad Yadav and asked for registration of land which was avoided then the complainant asked for execution of agreement upon this accused persons on the order of Laliteshwar Prasad Yadav abused her by taking caste name and assaulted by fists and slaps and refused for registry.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case due to ulterior motive. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. No deadly weapon is



said to have been used in course of the occurrence. There is land dispute between the parties. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 18-02-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Saran in Complaint Case No. 3631 of 2017, Trial No. 212 of 2017 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of eight 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 Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Saran in connection with Complaint Case No. 3631 of 2017, Trial No. 212 of 2017.

(Sudhir Singh, J)

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