

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3202 of 2021**

Arising Out of PS. Case No.-315 Year-2020 Thana- SABAUR District- Bhagalpur

Md Shakil Ahmad @ Shakil Ahmad @ Dablu, Son of Md Taiyab Ali @
Taiyab, Resident of Village- Bansitikar, P.S.- Sabour, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant	:	Mr.Ajay Kumar Jha, Advocate
For the S t a t e	:	Mr.Binay Krishna, Spl.P.P.
For the Informant	:	Mr.Dhananjay Kumar Gupta, Advocate

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 31-08-2021 Heard learned counsel for the appellant and the

learned Special P.P. for the State as well as the learned counsel

for the informant.

The appellant has preferred the present appeal under
Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act against the refusal of his prayer
for regular bail, vide order dated 03.07.2021 passed by the
learned 3rd Additional Sessions Judge-cum-Special Judge,
(SC/ST), Bhagalpur, in Spl. SC/ST Case No.191/2020 arising
out of Sabour P.S. Case No.315 of 2020 instituted for the
offence under Section 406/420/34 of the Indian Penal Code and
Section 3(i)(r)(s)/3(II)(Va) of the SC/ST Act and also for setting
aside the aforesaid order dated 03.07.2021.



The allegation is that the informant had given a huge sum for purchase of a plot of land from the appellant's wife. Subsequently, title has been found disputed and it is alleged that the appellant's wife and the appellant along with others have resisted refunding the money.

It is submitted by the appellant's counsel that the offence under Sections 406 and 420 I.P.C. would not be made out against the appellant as he is neither the vendor nor the vendee in the alleged sale transaction. His implication is by virtue of his being the husband of the alleged vendor. The provisions of the SC/ST Act has been added to make the offence look grave.

Submission is that the parties thereafter have compromised the matter. In support of the compromise, photo copy of the compromise petition has been filed by way of supplementary affidavit. It is further submitted that the appellant is in jail custody since 24.05.2021.

Learned Special P.P. and the learned counsel for the informant have opposed the prayer for bail. However, they are not in a position to deny the fact that the matter has been compromised.

Considering the rival submissions as also the facts



and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the appellant's counsel. Prayer for bail of the appellant is allowed.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge, (SC/ST), Bhagalpur, in connection with Spl. SC/ST Case No.191/2020 arising out of Sabour P.S. Case No.315 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

In the result, the appeal is allowed and the impugned order dated 03.07.2021 is set aside.



This Court would expect that the appellant’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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