

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3313 of 2021

Arising Out of PS. Case No.-242 Year-2020 Thana- MAHNAR District- Vaishali

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Mintu Singh @ Navin Kumar, aged about 25 years, male, Son of Late Madan Singh, Resident of Village- Basudevpur, Chandel, P.S.- Mahnar, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 06-09-2021 Heard Mr. Ashok Kumar Jha, the learned Advocate for the appellant and the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 19.03.2021 passed by the learned 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST Act, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 242 of 2020, instituted for the offences under Sections 406 and 420



of the Indian Penal Code and Section 3(v)(r)(s) 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 despite the appellant having accepted money from the informant for transferring a plot of land, the same has not been done. The appellant is also alleged to have misbehaved with the female members of the prosecution party.

It has been submitted on behalf of the appellant that from the reading of the F.I.R. itself, it would appear to be a case of civil dispute for purchase of a plot of land belonging to the appellant. The details of such land which is said to have been agreed to be sold to the informant has also not been given in the F.I.R. and no witness, during the course of investigation has supported the accusation.

It has further been submitted that the accusation with respect to S.C./S.T. (Prevention of Atrocities) Act is highly exaggerated.



For the facts stated-above, it has been urged that no offence under the S.C./S.T. (Prevention of Atrocities) Act can at all be said to have been made out against the appellant.

For the reasons afore-stated, the order dated 19.03.2021, 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, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 242 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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