

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1994 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- SC/ST BETTIAH District- West
Champaran

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1. SATYA DEV SINGH Son of Late Narayan Singh Resident of Mirja Toli (Chhawani) Ward no. 05, P.S.- Bettiah Town (Kalibagh O.P.), District - West Champaran.
 2. Saroj Devi Wife of Satya Dev Singh Resident of Mirja Toli (Chhawani) Ward no. 05, P.S.- Bettiah Town (Kalibagh O.P.), District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bashishtha Narayan Mishra
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-01-2021 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 19.08.2020 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Bettiah, West Champaran in connection with Bettiah SC/ST P.S. Case No. 01 of 2020 under Sections 341, 323, 504/34, 406 and 420 of the Indian Penal Code and section 3(i)(r)(s)(V-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.



Prosecution case in brief is that informant paid Rs. 11 lakh to these appellants for purchase of land, but these appellants after taking cash, refused to execute the sale deed in favour of the informant and when informant and others went to the house of these appellants, appellant no. 1 abused and assaulted the informant with fist and slaps.

It is submitted on behalf of the appellants that appellant no. 1 filed Complaint Case No. 923C of 2019 on 14.06.2019 before the court of learned Chief Judicial Magistrate, Bettiah, West Champaran against informant for the occurrence which was taken place in the year, 2013. On 17.09.2019 cognizance was taken under Section 323, 504 of the Indian Penal Code and summon was issued against the informant and on receiving summon, the informant filed the instant case making false allegation, only to put pressure for execution of the sale deed. Primarily, it is money dispute between the parties. No case under SC/ST is made out. Appellants have got clean antecedent.

However, counsel for the informant opposed the bail application and submitted that appellants in spite of receiving the total amount refused to execute the sale deed.

Considering the fact that dispute is purely of civil



nature, this appeal is allowed. The impugned order dated 19.08.2020 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Bettiah, West Champaran, is set aside.

Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Bettiah, West Champaran in connection with Bettiah SC/ST P.S. Case No. 01 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Singh, J)

vinita/-

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