

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3423 of 2021

Arising Out of PS. Case No.-132 Year-2021 Thana- PATLIPUTRA District- Patna

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AJAY KUMAR S/O TARKESHWAR PRASAD Resident of Brahamtola,
Brahamsthan, P.O. and P.S.- Nayatola, Muzaffarpur, 842001, Bihar

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shyamlendra Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-10-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

Counsel for the appellant is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

The appellant has challenged the order dated 24.07.2021 passed by learned Special Judge, SC/ST, Patna in connection with Patliputra P.S. case No.132/2021 registered for the offences under Sections 406, 420 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989, whereby the prayer made on behalf of the appellant for grant of anticipatory bail has been rejected.

The prosecution case, in short, is that the informant is a broker and on his assurance one Dadinath paid Rs.35 lacs to



the appellant and his wife for a flat, but neither the appellant and his wife had given the flat nor returned the amount. When the informant pressurized the appellant to return the amount, the appellant abused the informant by taking caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The alleged occurrence is said to have taken place on 10.02.2016 and the case was instituted on 04.03.2021. Delay has not been explained by the prosecution. There is dispute relating to brokerage amount of the informant, who happens to be the broker. The matter relates to civil dispute. It has further been submitted on behalf of the petitioner that the brokerage amount has already been paid to the informant. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 24.07.2021, passed by the learned Special Judge, SC/ST, Patna vide A.B.P. No.4587 of 2021 in connection with



Patliputra P.S. case No.132/2021, is set aside.

Let the appellant, 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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Patna in connection with Patliputra P.S. case No.132/2021.

The criminal appeal stands allowed.

(Sudhir Singh, J)

Narendra/-

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