

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3982 of 2019**

Arising Out of PS. Case No.-285 Year-2017 Thana- BARHARA District- Bhojpur

Rajnish Kumar @ Laloo Singh Son of Kameshwar Singh Resident of Village
- Phura, P.S.- Barahara, Dist.- Bhojpur,

... .. Appellant/s

Versus

1. The State of Bihar
2. Subhadra Devi W/o Upendra Prasad Resident of Village - Sabalpur Mathiya,
P.S.- Barahara, Dist.- Bhojpur,

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Radha Mohan Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

6 15-11-2021 Vide order dated 28.02.2020 notice was issued to the
respondent no. 2.

As per service report, notice is validly served upon
respondent no.2 but nobody has appeared on behalf of the
respondent no. 2.

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 09.04.2019 passed by learned 1st Additional



Sessions Judge, Bhojpur, Ara in connection with SC/ST Case No. 655 of 2017 arising out of Barahara P.S. Case No. 285 of 2017 registered under Sections 341, 323, 406, 420, 120B, 504 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is that he took Rs. 4 lacs from the informant for execution of the sale deed but he did not execute the same.

It is submitted by learned counsel for the appellant that he is innocent and has been falsely implicated in this case. He submits that similarly situated co-accused has been granted bail by a coordinate bench of this Court in Cr. APP (SJ) No. 285 of 2018 on 16.02.2018. He submits that there is land dispute between the parties. He further submits that appellant bear no criminal antecedent as stated in para-3 of this petition.

However, learned SPP for the State opposes the prayer for bail and submits that appellant has taken the said amount from the informant for execution of the sale deed but he did execute the sale deed.

Considering the facts and circumstances of the case and the fact that similarly situated co-accused has already



been granted bail, the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with SC/ST Case No. 655 of 2017 arising out of Barahara P.S. Case No. 285 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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