

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2277 of 2021**

Arising Out of PS. Case No.-282 Year-2020 Thana- BALIYA District- Begusarai

DAYANAND CHAUDHARY S/O LATE DARSHU CHAUDHARY R/O
VILLAGE-BHAGATPUR, P.S-BALIYA, DISTRICT-BEGUSARAI.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pravin Kumar

For the Respondent/s : Mrs.Usha Kumari 1

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

2 10-03-2022 Heard learned counsel for the appellant and learned Spl.P.P. for the State. Though vakalatnama has been filed on behalf of the respondent no.2, in view of the earlier order of this Court but today when the case is called out, nobody appears for respondent no.2.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter, in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 08.02.2021, passed by learned Special Judge, SC/ST (POA) Act, Begusarai, in connection with Ballia P.S. Case No.282 of 2020, registered u/s 420, 467, 477 of the IPC and sections 3 (i) (r) (s) of the SC/ST (POA) Act.

The prosecution case in short is that the appellant, on the



pretext of selling his land, committed fraud of Rs.25,00,000/- with the informant but neither the land has been transferred to the informant nor the money was returned. When the informant asked for the same, then the accused abused him in caste name and pushed him away.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. Allegedly the money was given back in the year 2014-15 but the FIR was lodged in the year 2020, such delay creates serious doubt about the prosecution case. No any chit of paper has been produced to show the transaction or agreement of sale between the parties. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is a civil dispute between the parties. Appellant has one criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, since there is a civil nature of dispute, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be



released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Begusarai, in connection with Ballia P.S. Case No.282 of 2020, 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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