

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1324 of 2022

Arising Out of PS. Case No.-46 Year-2021 Thana- SC/ST District- Sheikhpura

1. Pramod Kumar, Son Of Late Ramchandra Singh R/O Village- Rampur Sinday, P.S.- Barbigha, District- Sheikhpura
2. Vishal Kumar, Son Of Pramod Kumar R/O Village- Rampur Sinday, P.S.- Barbigha, District- Sheikhpura

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arun Kumar
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Ajit Kumar
		Mr. Dinkar Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-12-2022 Heard learned senior counsel for the appellants, learned counsel for the informant and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 18.01.2022 passed by the learned 1st Additional District & Sessions Judge, Sheikhpura in connection with Sheikhpura SC/ST P. S. Case No.46 of 2021, instituted for the offences under Sections 341, 323, 406, 419, 420, 120(B), 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s)/ 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that he gave Rs. 5,00,000/- to Pramod on 27.03.2020 and Rs. 70,0047/- to Vishal on 07.09.2020 for purchasing two Katthas of land of Pramod, further the amount was paid through cheque. It is next alleged that on 17.03.2021 when he requested Pramod to execute sale deed, he said that the documents relating to the land has been kept by his wife (petitioner) at her parental home and once he receives the documents then the registration of land would be done. Thereafter on 18.03.2021, a legal notice was sent by Pramod to the wife of the informant in which there is reference of an agreement for sale, on which the informant became perturbed and went to the house of Pramod, there he came to know that Pramod with a view to grab his wife's land and the money has falsely referred about forged agreement for sale, further alleges that Pramod was Pairvikar of his son in a case for which he had obtained the signature of his illiterate wife on a non judicial stamp paper and based on her signature prepared a forged agreement for sale, further the legal notice was replied by his wife on which Pramod replied that Rs. 12,00,000/- was returned to

him which he had given as loan for purchasing a vehicle, next Patna High Court CR. APP (SJ) No.1234 of 2022(2) dt.13-12-2022 3/4 alleges that when he went to the house of Pramod, the accused persons abused him by taking caste name.

The learned counsel for the appellants submits that the appellants have been falsely implicated in the present case. It is next submitted that admittedly, a civil dispute has been given a criminal colour. It is also submitted that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail, then the entire occurrence took place at the house of Pramod and thus, was not in public view. It is also submitted that if informant is aggrieved by the conduct of Pramod, then he has remedies available in civil law.

The learned Special P.P. and the learned counsel for the informant opposes the prayer for anticipatory bail, but are not able to meet the submission of the learned counsel for the appellants that the dispute is purely civil and the occurrence had not taken place in public view.

Regard being had to the aforesaid submissions, the order dated 18.01.2022 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, Sheikhpura in connection with Sheikhpura SC/ST P. S. Case No.46 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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