

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2009 of 2022

Arising Out of PS. Case No.-277 Year-2021 Thana- KONCH District- Gaya

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1. Amresh Kumar @ Amresh Singh, Son Of Dhananjay Singh Resident Of Village - Konch, Distt.- Gaya
 2. Dhanjay Singh, Son Of Late Raj Narayan Singh Resident Of Village - Konch, Distt.- Gaya
 3. Priyanka Kumari @ Kumari Priyanka, W/O Amresh Kumar @ Amresh Singh Resident Of Village - Konch, Distt.- Gaya
 4. Surya Vansh Sharma @ Surya Vansh Singh, Son Of Nageshwar Singh Resident Of Village - Konch, Distt.- Gaya
 5. Chitranjan Kumar @ Chitranjan Singh, Son Of Ramsharan Singh Resident Of Village -Moke , P.S.- Konch, Distt.- Gaya

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinod Kumar
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-10-2022 Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 03.12.2021 passed by the learned Special Judge, SC/ST (POA) Act, Gaya in connection with Konch P. S. Case No.277 of 2021, instituted for the offences under Sections 420, 417/ 34 of the Indian Penal Code and Section 3(i)(g) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 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 on 24.03.2021, Amresh Singh forcibly took him to Tekari Registry Office and made him sign on papers and in lieu whereof, he was given two cheques of Rs.1,00,000/- and Rs.2,00,000/- as detailed in the F.I.R. It is next alleged that later on inquiry, it transpired that the accused persons got 04 decimals of land registered in the name of Kumari Priyanka wife of Amresh Singh on 24.03.2021. It is next alleged that Chitranjan Singh, Amresh Singh, Dhananjay Singh, Surya Vansh Singh and Kumari Priyanka were involved in this alleged occurrence and the aforesaid cheques also bounced.

The learned counsel for the appellants submits that the appellants have been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the dispute is purely civil. It is also submitted that if the cheque bounced, then the informant had remedy under the Negotiable Instruments Act, but it appears that instead of resorting to the remedy available in law, the present false



case has been instituted in order to coerce the appellants into submission.

Regard being had to the aforesaid submissions, the order dated 03.12.2021 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 Special Judge, SC/ST (POA) Act, Gaya in connection with Konch P. S. Case No.277 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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