

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2279 of 2022

Arising Out of PS. Case No.-576 Year-2021 Thana- RAHUI District- Nalanda

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SUBODH KUMAR SINGH Son of Late Alakhdeo Singh @ Harakhdeo Singh
Resident of Village - Rabaich, P.S.- Bakhtiyarpur, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jawahar Chaudhary Son of Late Babu Lal Chaudhary Resident of Village -
Rahui, P.S.- Rahui, District - Nalanda.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailendra Kumar Jha, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 08-09-2022 1. Heard learned counsel for the appellant and learned
Special P.P. for the State as well as learned counsel for the
respondent no.2/informant, on point of admission and on
merit also.
2. The appellant has preferred the present appeal
under Section 14A(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989
(hereinafter referred to as the “SC/ST Act”) against the
refusal of prayer for bail vide order dated 12.01.2022
passed by the learned Additional Sessions Judge-1st,
Nalanda, Bihar Sharif in connection with Rahui P.S. Case
No. 576 of 2021 registered under Sections 406 and 420 of



Indian Penal Code and Section 3 (i)(r)(s) of SC/ST Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.
4. Notice has been issued to Respondent no.2, served upon and duly represented.
5. The appellant is named in F.I.R. and is in custody since 14.11.2021.
6. The allegation against the appellant is to be in habit of cheating money and purchasing land, on the pretext of providing job. It is further alleged that this petitioner got registered a piece of land measuring half *katha*, in his favour and taken away Rs. 65,000/-, belongs to the informant.
7. Learned counsel for the appellant submitted that this appellant has been falsely implicated in the present case for the reason that land which was purchased from informant long back in the year 2015, is now appreciated for very high cost, where present implication is to create a pressure to get it back. It is also submitted that the allegation as regard with money transaction is not supported by any documentary evidence. It is also submitted that nothing can be gathered from the face of



FIR, which may suggest that act of petitioner can be said atrocities within the meaning of the Act. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

8. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in *State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276*.

9. Learned Special P.P. for the State duly assisted by learned counsel for the Respondent No.2/Informant, opposes the prayer for bail and learned counsel for the informant submitted that the trial of this case has already been started.

10. In view of the submissions, as made above, as basis of prosecution appears to be land dispute, as per FIR, where, alleged transaction is not supported by any documents coupled with the fact that charge-sheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Rahui



P.S. Case No.576 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st, Nalanda, Bihar Sharif/concerned court, subject to the following conditions:

“(i) That appellant shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the appellant.

(ii) Appellant shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the appellant, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present appeal.”

11. Accordingly, impugned order dated 12.01.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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