

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2290 of 2022

Arising Out of PS. Case No.-25 Year-2021 Thana- SC/ST District- Purnia

Md Ejaz Ahmed S/o Late Kafiluddin Resident of Mohalla- Milki Tamiz Tola,
P.S.- K. Hat (Maranga), District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Devi W/o Late Bishesh Kumar Das Resident of Village- Kachakothi
(Hatbari O.P.), P.O. Kacha, P.S.- K. Nagar, District- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raghib Ahson, Sr. Advocate Mr. Wasi Akhtar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Vijay Bhusan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 02-11-2022 1. Heard learned counsel for the appellant, learned
Special P.P. for the State and learned counsel for the 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 (for short ‘the Act’) against
the order dated 17.06.2022 passed by the learned Special Judge,
SC/ST (POA), Purnea in connection with SC/ST P.S. Case No.
25 of 2021 registered under Sections 406, 420, 504 and 506 of
the Indian Penal Code and under Section 3(2) (va) of SC/ST
(POA) 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. Appellant is named in F.I.R. and is in custody since 08.06.2022.

6. The allegation against the appellant is to cheat informant of Rs. 3,50,000/- against execution of sale-deed for a piece of 5 katha of land.

7. Learned counsel for the appellant submitted that appellant is a property dealer, where due to certain misunderstanding the execution of sale-deed was delayed. It is submitted that appellant is ready to return Rs. 3,50,000/- as received from informant or to get executes sale-deed for desired piece of land from owner, as desired by informant. It is further submitted that the act of appellant cannot be said an atrocities within the meaning of the Act. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already been submitted and, 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 appearing on behalf of informant, namely, Vijay Bhushan Prasad, while opposing the prayer of bail, submitted that the informant is now not willing to purchase desired land and, as such, paid amount of Rs. 3,50,000/- be returned to her.

10. In view of the facts and circumstances, as mentioned above, as appellant is willing to return the Rs. 3,50,000/- to the informant 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 SC/ST P.S. Case No. 25 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 Special Judge, SC/ST (POA), Purnea/concerned Court, subject to the following conditions:

“(i) That the accused/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) In terms of submission, appellant is



directed to pay Rs. 3,50,000/- to the informant either in the form of demand draft of Nationalized Bank or cash, duly acknowledged by informant at the time of furnishing of bail bond.

11. Accordingly, impugned order dated 17.06.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

