

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2405 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- SC/ST District- Saran

Umakant Tiwari @ Munna Tiwari S/o Late Tukar Tiwari R/o village-
Gangauli, P.S.- Mashrakh, District- Saran at Chhapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Saraswti Devi W/o Lalan Manjhi R/o village- Dhangarha, P.S.- Baniapur,
District- Saran at Chhapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Yashraj Bardhan, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

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 30.06.2022 passed by the learned Court of Additional Sessions
Judge-III-cum-Special SC/ST Act Court, Saran at Chhapra in
connection with Saran SC/ST P.S. Case No. 04 of 2022 registered
under Sections 147, 148, 323, 406, 420 of the Indian Penal Code,
and Section 3(r)(s)(w) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) 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 31.05.2022.

6. The allegation against the appellant is to cheat informant while dealing with transaction of a piece of land costing Rs. 18,50000/- along with other co-accused persons.

7. Learned counsel for the appellant submitted that the appellant is a property dealer and sale deed for the desired piece of land already executed in favour of informant. It is further submitted that present implication is for the reason, as the possession of land which was executed in favour of informant, was opposed by certain nearby people/co-sharer and subsequent thereof, present F.I.R. was lodged after two years. It is also submitted that the act of appellant cannot be said atrocities within the meaning of the Act. It is also submitted that the allegation is purely civil in nature and moreover, this is not a case where sale deed is not executed after receiving the consideration money. It is submitted that appellant is ready to deposit 50 % of Rs. 2,85,000/- what he received during present/deal of land. It is also submitted that F.I.R. on its face negate allegation of 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 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. duly assisted by learned counsel for the informant opposed the prayer of bail.

10. In view of the facts and circumstances, as dispute is of civil nature on its face coupled with the fact that charge-sheet has been submitted, let the appellant, above named, is directed to be released on bail in connection with Saran SC/ST P.S. Case No. 04 of 2022 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-III-cum-Special SC/ST Act Court, Saran at Chhapra/concerned Court, subject to the conditions as mentioned:

“(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) Accused/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 appellant to deposit 50% of Rs. 2,85,000/- i.e. 1,42,500/ in Court Nazarat at the time of furnishing of bail bond, subject to outcome of the case.”

11. Accordingly, impugned order dated 30.06.2022 is set aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J)

Archana/-

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

