

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3851 of 2021

Arising Out of PS. Case No.-270 Year-2021 Thana- SAHPUR District- Patna

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1. ABHIJIT SINGH SON OF BRIJ KISHOR SINGH R/O - HALDI CHHAPRA, P.S.- MANJHI, DISTRICT- SARAN, AT PRESENT R.P.S. LAW COLLEGE, NEAR KALI MANDIR, P.S.- RUPASPUR, DISTRICT- PATNA
 2. REKHA KUMARI WIFE OF ABHIJIT SINGH R/O - HALDI CHHAPRA, P.S.- MANJHI, DISTRICT- SARAN, AT PRESENT R.P.S. LAW COLLEGE, NEAR KALI MANDIR, P.S.- RUPASPUR, DISTRICT- PATNA

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ghanshyam Tiwary
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 23-06-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 23.08.2021, passed by the learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Patna in connection with Shahpur P.S. Case No. 270 of 2021, registered for the offences



punishable under sections 406, 420, 385, 386, 323, 341, 504, 506, 120 (B) of the Indian Penal Code and Section 3(i) (r), 3 (i) (s), 3(2) (Vs) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant was rejected.

As per allegation, the informant had given Rs. 15,00,000/- to the appellants but they evaded execution of sale deed. Rs. 15,00,000/- was consideration money in view of the execution of sale deed.

Learned counsel for the appellants as well as learned counsel for the respondent has submitted that both the parties have compromised the case and the respondent has received Rs. 15,00,000/- from the appellants.

It appears to be a case of civil dispute. The provision of SC/ST Act is not attracted prima facie. As such, the anticipatory bail petition is maintainable.

considering the facts and circumstances, the appeal is allowed and the impugned order dated 23.08.2021, passed by learned Additional District & Sessions Judge-III-cum-Special Judge, SC/ST Act, Patna is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named shall be



released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-III-cum-Spl Judge, SC/ST Act, Patna in connection with Shahpur P.S. Case No. 270 of 2021.

Office shall ensure that all the defects are removed by the appellants within the stipulated time provided in para 2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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