

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2851 of 2022**

Arising Out of PS. Case No.-161 Year-2022 Thana- PARAIYA District- Gaya

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1. Mithlesh Yadav, Son Of Sahdeo Yadav Resident Of Village - Lorhar, P.S.- Paraiya, Distt.- Gaya.
 2. Sanjay Yadav, Son Of Nanhak Yadav Resident Of Village - Baigobhan, P.S.- Paraiya, Distt.- Gaya. A/P Kaher, P.S.- Magadh Medical , Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Deo Lakhan Manjhi, Son of Late Jago Bhuya Resident of Village -Baigoman, P.O.- Poonakala, P.s.- Paraiya, Distt.- Gaya. 824209

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Mohan
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 16-11-2022 Heard learned counsel for the appellants and the learned
Special Public Prosecutor for the State.

The appellants have challenged the order dated 15.07.2022 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Paraiya P. S. Case No.161 of 2022, instituted for the offences under Sections 420/ 34 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(V-a) 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 the appellant no.1 has antecedent of two cases as would manifest



from supplementary affidavit and in one case, he stands acquitted and appellant no.2 is a person with clean antecedent and the informant alleges that he has taken loan from villagers and repay the loan was intending to sell his land for Rs.10 Lakhs. Accordingly, was talking to Shiv Kumar. Further, Shiv Kumar given Rs.5 Lakhs and the rest amount was to be paid after registry of the land or else the money was to be returned. It is next alleged that Shiv Kumar in connivance with the accused persons got two acres and odd land of the informant registered in name of his son instead of 10 kattha as agreed. Further, when he asked for his money, he was abused by his caste name.

The learned counsel for the appellants submits 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 next submitted that though the appellants alleges that he only intended to sell 10 kattha of land, but Shiv Kumar in connivance with accused persons, got him executed a sale deed with respect to 2 acres and odd land, but then the sale deed has been executed and the informant by way of after thought has instituted the present case when initially he had agreed to sell the land. It is next submitted that if what is alleged is true, then definitely the informant has his remedies available in law. It is next submitted that as far as allegation of abuse is alleged, the same also was not hurled in public view. It is next submitted that the appellants had



no concern with the land rather it is alleged that Shiv Kumar in connivance with the appellants, got the sale deed executed as aforesaid.

The learned Special P. P. opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 15.07.2022 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 six 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 Exclusive Special Judge, SC/ST Act, Gaya in connection with Paraiya P. S. Case No.161 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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