

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3009 of 2022**

Arising Out of PS. Case No.-36 Year-2021 Thana- SC/ST District- Bhagalpur

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Jitendra Sah @ Jitendra Kumar Saha Son Of Late Awadh Kishore Sah @
Saha R/O Mohalla- Dr. Rajendra Prasad Road, Variety Chowk, Khalifabagh,
P.S.- Kotwali, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Panchanand Choudhary Son Of Naresh Choudhary R/O Village- Dhanouri,
P.S.- Sanokhar, District- Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ranjan Kumar Jha
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to
remove the defects within four weeks. In the eventuality of non-
removal of defects within undertaken period, the office will
place the matter before the Bench.

This is an appeal under Section 14(a)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act), against the refusal of prayer of anticipatory bail
vide order dated 10.01.2022 passed by learned 3rd Addl.
Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in



connection with Bhagalpur SC/ST P.S. Case No. 36/2021 registered under Sections 341, 323, 406, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute and money transaction dispute between the parties. The informant has himself admitted in his F.I.R. that he has paid Rs. 10,00,000/- (Rupees ten lakhs) to the appellant for sale of his land and when informant fails to sale the land, then appellant return his Rs. 10,00,000/- (Rupees ten lakhs) to him. Appellant has no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail and submits that there is specific allegation against the appellant to abuse the informant by taking the caste name. Therefore, he does not deserve anticipatory bail.

Considering the facts and circumstances of the case and the fact that appellant has abused the informant by taking his caste name, I am not inclined to enlarge the appellant on anticipatory bail in connection with Bhagalpur SC/ST P.S. Case



No. 36/2021.

Accordingly, his application for anticipatory bail is
hereby rejected.

(Anjani Kumar Sharan, J)

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