

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3262 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- CHARPOKHARI District- Bhojpur

1. UPENDRA SINGH S/o Rampratap Singh Resident of Village and Post-Garhani, P.S.- Charpokhari, District- Bhojpur, Ara.
2. Shera @ Shamsheer Ali S/o Late Shoukat Ali Resident of Village Post-Garhani, P.S.- Charpokhari, District- Bhojpur, Ara.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Raj Kumari Devi W/o Umesh Kumar Resident of Village and Post Garahani, Police Station- Charpokhari, District- Bhojpur, Ara.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajiva Ranjan, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. Public Prosecutor
for respondent no.2		Mr. Rajeev Ranjan, Advocate
		Mr. Raju Kr.Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 16-11-2022 Heard learned counsel for the appellants, the State and respondent no.2.

The present appeal is directed against order dated 20.7.2022 passed by learned Additional Sessions Judge –I cum Special Judge, SC/ST Act, Bhojpur at Ara in a case registered for the offence punishable under Section 420 of the Indian Penal Code and Section 3 (i) (r) (s) 2(va) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, these appellants cheated the informant/ respondent no.2 and abused by caste name.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. He further submits that the dispute is purely of civil nature and only with a view to humiliate and harass them, present case



has been filed by the informant. Instant FIR has been lodged alleging cheating after 12 years of purchase of the land and there is no explanation of delay. Appellants claim clean antecedent.

Learned counsel for the state as well as respondent no.2 oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record as also the delay in lodging of the FIR, this appeal is allowed and the impugned order dated 20.7.2022 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within six weeks from today, they 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 Additional Sessions Judge I cum Special Judge, SC/ST Act, Bhojpur at Ara in Charpokhari Police Station Case No. 84 of 2022.

(Prabhat Kumar Singh, J)

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