

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.455 of 2023

Arising Out of PS. Case No.-18 Year-2022 Thana- SC/ST District- Saran

PREM MOHAN SINGH SON OF LATE JAY MANGAL SINGH R/O
MOHALLA- NAYA JAN TOLA, P.S.- BHAGWAN BAZAR, DISTRICT-
SARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. Kiran Kumari Subodh Ram Resident of Kunhaila, P.O.-Sikti, P.S.-Ishuapur,
District-Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Archana Sinha @ Archana Shahi
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 06-07-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 23.12.2022 passed by learned 3rd Additional Sessions Judge-cum-SC/ST Judge, Saran at Chapra whereby the prayer for bail of the appellant in connection with SC/ST PS case No. 18 of 2022 under Sections 341, 323, 506, 120(B), 420, 467, 468, 406 of the Indian Penal Code and sections 3(i)(q)(r), 3(v) of the SC/ST Act was rejected.

As per allegation in the FIR, informant had purchased a piece of land from Suresh Rai and for the same, she had transferred an amount of Rs. 6,90,000/- in the account of the



petitioner. Suresh Rai executed the sale deed in favour of the informant and in the said sale deed, petitioner was one of the witnesses. After purchasing the land while informant was erecting the wall over it, Arpan Kumari claimed over the said land and she stated that she had purchased it from sister of Suresh Rai and on the said sale deed, Suresh Rai was also a witness. On 25.7.2022, informant has demanded her money back then, petitioner has abused her by taking her caste name and threatened her of dire consequences, she she files a case.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He is innocent. Petitioner has received an amount of Rs. 6 lakh but he has given it to Suresh Rai before the registry. Without knowing the fact that the same land has already been sold by Asha Devi (sister of Suresh Rai) to Arpan Kumari, petitioner has signed the sale deed as a witness. Informant after getting the land registered in her name got the land mutated in her name. This matter relates to civil nature for which criminal proceeding is going on. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against the appellant. He has got no criminal antecedent and languishing in judicial custody since 22.11.2022.



The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 23.12.2022 passed in SC/ST PS Case No. 18 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with SC/ST PS case No. 18 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-SC/ST Judge, Saran at Chapra.

(Sunil Kumar Panwar, J)

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