

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.543 of 2023

Arising Out of PS. Case No.-340 Year-2022 Thana- SAHPUR District- Patna

Prabhat Kumar Ranjan @ Uday Samrat @ Udai Samrat, S/o Chandradeo Yadav @ Chandradeo Prasad Singh, R/o village-Vaidehi Apartment, Jagdeo Path, P.S.- Rupaspur, District- Patna

... .. Appellant

Versus

1. The State of Bihar
2. Madan Chaudhary, S/o Jagmohan Chaudhary, R/o village-Enkhan, P.O.- Belhauri, P.S.- Dulhin Bazar, District- Patna

... .. Respondents

Appearance :

For the Appellant/s : Mr. Madhukar Anand, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-07-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') for setting aside the impugned order dated 14.11.2022 passed by the learned Special Judge (SC & ST Act), Patna in connection with Serial No.231 of 2022 arising out of Shahpur P.S. Case No.341 of 2022 registered for the offences punishable under Sections 406, 467, 468 read with 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Act.

3. Present appeal is well within limitation as



prescribed under Section 14A(3) of the Act.

4. Notice was issued vide order dated 07.07.2023 by this Court regarding present proceedings in terms of Section 15-A(2) of the Act to the informant.

5. It is submitted by learned Special Public Prosecutor that information already given to informant in terms of aforesaid order but, he failed to join the present proceeding.

6. Accused/appellant is named in the FIR and is in custody since 20.07.2022.

7. Allegation against the appellant is to cheat Rs.11,16,000/- on pretext of giving a flat but same was not delivered as promised, appellant is a builder.

8. It is submitted by learned counsel appearing on behalf of the appellant that the matter has been compromised between the parties, where wife of appellant compromised the matter with informant, where she ready to pay Rs.1,26,000/- at the time of furnishing of bail bond and remaining amount of Rs.9,90,000/- in 18 monthly equal installments at the rate of Rs.55,000/-. It is submitted that the criminal antecedent of the appellant as shown in para-3 of the bail petition is out of same business activities, where several cases were lodged by purchaser of flat. It is submitted that dispute is purely civil in



nature and narration of FIR not supporting the allegation of atrocities within the meaning of Act. It is submitted that co-accused Priya Kumari, who is wife of appellant compromised this matter and on so, she has already granted bail by one of the learned co-ordinate Bench of this Court through Criminal Appeal (SJ) No.813 of 2023 dated 19.05.2023. While concluding argument, it is submitted that investigation of this case has been completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

9. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh vs. Parasram @ Purushottam*** as reported in ***[2015 (153)AIC 276]***.

10. Learned Special Public Prosecutor opposes the prayer for bail of the appellant.

11. In view of above-mentioned facts and circumstances, as matter appears compromised between the parties, where co-accused, Priya Kumari @ Priya Mishra, who is the wife of this appellant ready to pay the amount in issue to informant in installments, as discussed above, coupled with the



fact that charge-sheet has already submitted, where appellant is in custody since 20.07.2022, accordingly, the appellant, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC & ST), Patna in connection with Serial No.231 of 2022 arising out of Shahpur P.S. Case No. of 340 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

12. Accordingly, the impugned order dated 14.11.2022 is set aside.

13. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

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