

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.623 of 2023

Arising Out of PS. Case No.-339 Year-2022 Thana- SAHPUR District- Patna

Prabhat Kumar Ranjan @ Uday Samrat @ Udai Samrat S/O Late Chandradeo Yadav @ Chandradeo Prasad Singh Resident Of Village- Vaidehi Apartment, Jagdeo Path, Rupaspur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kishlay Kumar S/O Lalan Prasad Resident of village- Ward No.- 16, Gola Road, Village- Daudpur, P.S.- Daudpur, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhukar Anand, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 23-06-2023 1. Heard learned counsel for the appellant, learned Special P.P. for the State and learned counsel for the informant on point of admission and on merit also.

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’) against the order dated 09.11.2022 passed by the learned Court of Special Judge (SC/ST Act) Court, Patna in connection with Serial No. 232 of 2022 arises out of Shahpur P.S. Case No. 339 of 2022 registered under Sections 406, 420, 467, 468, 34 of the Indian Penal Code, and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Present appeal is well within limitation as prescribed



under Section 14A(3) of the Act.

4. Notice served upon and informant joined the present proceeding.

5. Appellant is named in F.I.R. and is in custody since 30.09.2022.

6. The allegation against the appellant is to cheat Rs. 8,35,000/- on pretext of giving a flat but same was not delivered as promised, appellant is a builder.

7. Learned counsel for the appellant submitted that due to certain hardship, which was not under control of appellant, the project has been delayed and as such the appellant failed to deliver desired flat to informant within time. It is submitted that appellant is ready to return Rs. 8,35,000/- to informant, where the first payment of Rs. 1,75,000/- be made at the time of furnishing bail bond and rest of the payment be given in next one year on monthly basis i.e., in 12 equal installments @ Rs. 55,000/-. It is submitted that the criminal antecedent as shown in para-III of the appellant is out of same business activities, where different cases were lodged by purchasers of the flat. It is submitted that the dispute is purely civil in nature and the narration of F.I.R. on its face not supporting the allegation of atrocities within the meaning of the Act. While concluding the argument, it is submitted that investigation of this case has been completed, for which charge-sheet has already submitted and as such there is no chance of tampering with the evidence.



8. 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***.

9. Heard learned Special P.P. appearing on behalf of the State. Learned counsel Mr. Dinesh Jha appearing on behalf of informant agreed to accept the offer of appellant, as submitted through his learned counsel before this Court regarding return payment of Rs. 8,35,000/- as offered.

10. In view of the facts and circumstances, as the appellant is ready to return Rs. 8,35,000/- as accepted by informant in due installments coupled with the fact that charge-sheet has already submitted, where appellant is in custody since 30.09.2022, accordingly, appellant, above named, is directed to be released on bail in connection with Serial No. 232 of 2022 arises out of Shahpur P.S. Case No. 339 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC&ST), Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:

“(i) That appellant is to pay Rs. 1,75,000/- in cash, duly acknowledged by informant or



through Bank Draft at the time of
furnishing bail bond.

(ii) That appellant is also
directed to pay balance amount in 12
installments @ Rs. 55,000/- on
monthly basis.

(iii) That on any
deviation, learned trial Court itself
shall be at liberty to cancel the bail
bond of the appellant.”

11. Accordingly, impugned order dated 09.11.2022 is set
aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J)

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