

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.638 of 2023**

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

Priya Kumari @ Priya Mishra, Wife of Prabhat Kumar Ranjan @ Uday Samrat @ Uday Samrat, Resident of Vaidehi Apartment, Jagdeo Path, P.S.-Rupaspur, District- Patna

... .. Appellant

Versus

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

... .. Respondents

Appearance :

For the Appellant/s : Mr. Madhukar Anand, Advocate
For the Respondent/s : Mr. Binay Krishna, 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 09.11.2022 passed by the learned Special Judge (SC & ST Act), Patna in connection with Shahpur P.S. Case No.339 of 2022 registered for the offences punishable under Sections 406, 420, 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 through local SHO 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 30.09.2022.

7. Allegation against the appellant is to cheat Rs.8,35,000/- on the pretext of giving a flat along with other co-accused persons/family members but, same was not delivered as promised, where husband of appellant, who is also a co-accused of this case is builder.

8. It is submitted by learned counsel for the appellant that implication of appellant in present case is only for the reason that she is the wife of main co-accused, namely, Prabhat Kumar Ranjan @ Uday Samrat @ Udai Samrat, who has already granted bail by this Court through Criminal Appeal (SJ) No.623 of 2023 dated 23.06.2023. It is further submitted that the matter has been compromised between the parties where



husband of appellant ready to pay Rs.1,75,000/- at the time of furnishing of bail bond, whereas rest of the payments in 12 monthly installment of Rs.55,000/-. It is submitted that the criminal antecedent of the appellant is out of same transaction, where thrust of allegation is available against her husband as of present case. It is submitted that dispute is purely civil in nature and narration of FIR on its face not supporting the allegation of atrocities within the meaning of the Act, as to cause present occurrence. While concluding argument, it is submitted that appellant is a lady and moreover 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 appearing on behalf of the State 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 implication of appellant appears *prima facie*



being wife of main co-accused, namely, Prabhat Kumar Ranjan @ Uday Samrat @ Udai Samrat, coupled with the fact that charge-sheet has already submitted, where appellant is in custody since 30.09.2022, 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.232 of 2022 arising out of Shahpur P.S. Case No.339 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

12. Accordingly, the impugned order dated 09.11.2022 is set aside.

13. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

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