

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1344 of 2023

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

SURESH ROY S/O LATE MUNSHI RAI Resident of Village- Near Habib
Jaran Ratanpura, P.S.- Bhagwan Bazar, District- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. KIRANKUMARI W/O SUBODH RAM Resident of Village- Kumhaila,
P.S.- Isuapur, P.O.- Sikti District- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Yogesh Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

9 12-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. 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 P.S. Case No. 18 of 2022 under Sections 341, 323, 506, 120B, 420, 467, 468, 406/34 of the Indian Penal Code and Sections 3(i)(q)(r), 3(v) of the SC/ST Act was rejected.

3. As per prosecution case, informant had purchased a piece of land and for the same, she had transferred an amount of Rs. 6,90,000/- in the account of the co-accused namely Prem



Mohan Singh and Rs. 8 lacs was given in cash to the appellant. The informant further stated on 29.06.2021 the appellant executed a sale deed in favour of Kiran Kumari with respect to 1 Katha and 10 Dhur arising out of Khata No. 1177 and Plot No. 4619. 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 appellant and on the said sale deed, appellant was also a witness. On 25.07.2022, informant has demanded her money back then, the appellant and co-accused person abused her by taking her caste name and threatened her of dire consequences, if she files a case.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has committed no offence. The allegation of the informant that some land was executed by the appellant as well as his sister is false, imaginary and baseless. The land in question is a big plot an appellant's sister sold part of the land and the appellant executed another part of the land and there is no dispute with the sister. He further submitted that the informant subsequently tried to change her boundary and tried to capture some additional land which was protested by the purchaser from the sister of the



appellant and upon which informant themselves committed offence against the appellant and lodged this false case. This matter relates to civil nature for which criminal proceeding is going on. He further submitted that the other co-accused namely, Prem Mohan Singh has already been granted bail by this Bench vide order dated 06.07.2023 passed in Cr. APP (SJ) No. 455 of 2023. Appellant has got no criminal antecedent as stated in the para-3 of the bail petition. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 28.11.2022.

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

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 23.12.2022 arising out of SC/ST P.S. Case No. 18 of 2022 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with SC/ST P.S. 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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