

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1457 of 2023

Arising Out of PS. Case No.-232 Year-2018 Thana- COMPLAINT CASE District- Araria

SUNIL KUMAR YADAV @ SUNIL KUMAR BISHWAS Son of Kisun Lal
Yadav R/V- Pothia (Ward no. 7) P.s- Palasi, Dist-Araria

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Jayanti Devi Wife of Mahadev Paswan R/V- Pothia (Ward no. 7) P.S- Palasi
Dist-Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar No.1 with Mr. Ravi Ranjan Kumar and Mr. Amit Kumar, Advocates
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Mukesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-10-2023 Heard learned counsel for the appellant, informant
and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 16.02.2023 passed by learned 1st Additional Sessions Judge-cum-Spl. Judge, Araria whereby the prayer for bail of the appellant in connection with Spl. SC/ST Complaint Case P.S. Case No. 232 of 2018 under Sections 341, 323, 379, 380, 406, 504, 506/34 of the Indian Penal Code and Section 3(1)(X) of the SC/ST Act was rejected.

3. As per prosecution case, the appellant along with other co-accused persons has taken an amount of Rs. 1, 65,000/-



from the complainant for executing the sale deed but was not executed by the accused persons. It is further alleged that the said land belongs to 'Lal Card Scheme' and when the complainant asked to the accused persons for refund his money, thereafter the accused persons assaulted the complainant.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has committed no offence. He submitted that after inquiry police submitted final form dated 19.04.2019 stating that the case is false. He further submitted that after submission of final report learned Additional Sessions Judge-cum-Spl. Judge, Araria taken cognizance on 23.10.2021 on the basis of protest/ complaint petition. 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 06.02.2023.

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

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 16.02.2023 arising out of Spl. SC/ST Complaint Case P.S. Case No. 232 of 2018 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Spl. SC/ST Complaint Case P.S. Case No. 232 of 2018 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 1st Additional Sessions Judge-cum-Spl. Judge, Araria.

(Sunil Kumar Panwar, J)

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