

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2097 of 2023

Arising Out of PS. Case No.-670 Year-2022 Thana- AMARPUR District- Banka

SURESH SINGH S/O LATE TURAY SINGH R/O Village- Tardih, P.S-
Amarpur, Distt.- Banka.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mala Devi W/O Kapil Dev Harijan R/O Village- Tardih, P.S- Amarpur,
Distt.- Banka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alok Kumar Choudhary
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 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 05.04.2023 passed by learned Additional Sessions Judge-1st, Banka whereby the prayer for bail of the appellant in connection with Amarpur P.S. Case No. 670 of 2022 under Sections 323, 341, 379, 406, 420, 467, 468, 471, 354B of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act was rejected.

3. As per prosecution case, the complainant/informant stated that on 20.05.2022 agreement of loan of Rs. 2 lacs at the interest of Rs. 10,000/- per month has been executed and



registered challan of disputed sale deed has been purchased on 19.05.2022 and registered sale deed have been executed by the informant's husband in favour of the accused persons. She asked the appellant to take back 2 lacs and 10 thousand and returned my land. It is further alleged that when the informant and her daughter went to appellant's house and prayed to return her land as money has been taken but appellant abused and slap her and also snatched silver chain, cash and other articles from the informant.

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 the husband of the informant Kapildev Harijan has executed absolute sale deed for a land measuring 17.50 decimal bearing Khata No. 66, Khasra No. 7, Mauza Faridpur, Halka- Tardih in favour of the appellant for a consideration of Rs. 1 lac and 10 thousand on 20.05.2022. His son Uttam Kumar has identified the sale deed. He further submitted that the sale deed was registered in District Registry Officer, Banka on 20.05.2022 and sale deed no. is 10099. The appellant paid Rs. 1 lac 10 thousand to the husband of the informant for a consideration amount of sale deed. 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 13.03.2023.

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 05.04.2023 arising out of Amarpur P.S. Case No. 670 of 2022 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Amarpur P.S. Case No. 670 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 1st Additional Sessions Judge, Banka.

(Sunil Kumar Panwar, J)

Arish/-

U		T	
---	--	---	--

