

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1891 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- NAUBATPUR District- Patna

SHYAMNANDAN MAHTO @ SHYAM NANDAN PRASAD Son of
Ramnandan Mahto Resident of village - Khaspur, P.S. - Naubatpur, District -
Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Niraj Kumar, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of earlier order, the informant was
informed about his appearance in this case but despite that
nobody appears on his behalf.

This is an appeal under section 14 A(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for anticipatory bail vide order dated
21.04.2022, passed by learned Special Judge, SC/ST, Patna, in
connection with Naubatpur P.S. Case No.81 of 2022, registered
u/s 341/323/506/406/420/34 of the IPC and sections 3(I)(r)(s),
2(Va) of the SC/ST Act.



As per F.I.R., an agreement of sale of land was executed between the informant and the appellant, for which land, informant gave a sum of Rs.2,51,001/-, Rs.1,95,000/-, 2,00,000/-, 1,50,000/- and 80,000/- to the appellant, his daughter and wife. Thereafter, when the informant went to house of the appellant to pay the rest amount, no was present in the house. One Hare Ram, who had introduced the informant to the appellant, called the informant and took the said money to hand over the same to the informant's wife but neither the money was returned nor deed the agreement to sale was executed.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no allegation of assault or abuse upon the informant by the appellant. It is submitted that the entire amount was deposited by the appellant by way of two demand drafts in favour of the informant. On that basis the co-accused has been granted bail by the learned court below. Appellant has no criminal antecedent.

The said order of the learned Court below, granting bail to



the co-accused is kept on record.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, it is evident that there is a civil/Money dispute between the parties and the entire payment has already been made, as such, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Patna, in connection with Naubatpur P.S. Case No.81 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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