

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2358 of 2022**

Arising Out of PS. Case No.-1 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

=====

ASHOK KUMAR VERMA S/o Late Subodh Chandra Verma R/o Mohalla-
Sikandarpur, P.S.- Mojahidpur, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ambika Rajak Sanyogi S/o Late Hiro Rajak Resident of Hariyo Pani Tanki,
P.S.- Akbarnagar, District- Bhagalpur

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr.Praveen Kumar, Adv.
For the Informant	:	Mr. Diwakar Upadhyaya, Adv.
For the State	:	Mrs. Usha Kumari-I, Spl. PP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 15-12-2023 Heard learned counsel for the appellant, learned counsel
for the informant and learned Spl.P.P. for the State.

2. 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 of the appellant vide order dated 09.06.2021 passed by the learned Additional Sessions Judge-III-cum-Special Judge, (SC/ST Act), Bhagalpur in connection with Complaint Case No. 01 of 2019 dated 05.01.2019 registered for the alleged offences under Sections 323, 379, 406, 420, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, the Complainant filed



complaint case against the appellant and two unnamed persons alleging that an agreement to sell was executed between the parties on consideration of Rs. 3.6 lakhs, after which Rs. 40,000/-in cash was paid as earnest money. In due course, it was found that the sale deed was not executed in the name of the appellant, therefore, the Complainant told him to return the money but the accused failed to pay the same. It is further alleged that after receipt of the legal notice, the accused persons along with two other persons came to the house of the Complainant and abused him by calling his caste name and assaulted him, took Rs. 600/- and mobile and threatened to kill.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. It is further submitted that an agreement was entered between the Complainant and the appellant on 02.05.2017 and as per agreement, the amount of Rs. 50,000/- was paid on 13.04.2017 and it was decided that in the next six months if the entire consideration money was not paid then the appellant would not be bound to register the land nor return the amount. It is also submitted that from the material on record, it appears that a civil dispute is converted into criminal dispute. Learned counsel has further submitted that the occurrence took place in the house of the Complainant and no member of public was present at the relevant point of time of the alleged incident. Hence, no offence is made out against the appellant under the provisions of SC/ST (PoA) Act. The appellant has no criminal



antecedent as stated at para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellant, the impugned order dated 09.06.2021 passed by the learned Additional Sessions Judge-III-cum-Special Judge, (SC/ST Act), Bhagalpur in connection with Complaint Case No. 01 of 2019, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge, (SC/ST Act), Bhagalpur in connection with Complaint Case No. 01 of 2019, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Gautam/-

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

