

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2888 of 2023

Arising Out of PS. Case No.-795 Year-2022 Thana- RUPASPUR District- Patna

UPENDRA KUMAR @ UPENDRA SHARMA SON OF LATE RAGHO
SHARMA RESIDENT OF MANGLASTHAN DEVISARAI PS
DEEPNAGAR DISTRICT NALANDA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binit Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-08-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

The instant appeal has been filed by the appellant
against the order dated 3.6.2023 passed by learned Exclusive
Special Court (SC & ST Act) Patna whereby the prayer for bail
of the appellant in connection with Rupaspur P.S. Case No. 795
of 2022 under Sections 406, 420, 427, 504, 506/34 of the Indian
Penal Code and sections 3(1)(S)/3(2)(va) of the SC/ST Act was
rejected.

As per allegation in the FIR, appellant took an amount
of Rs. 17,76,000 from the informant for purchasing a chunk of
land. It is alleged that neither the appellant executed the sale



deed nor has returned the amount. It is further alleged that when the informant pressurized the appellant, he abused and assaulted him by taking his caste name.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. In fact, informant is himself a land broker. Appellant has neither assaulted him nor abused him by taking the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. This matter is purely civil in nature for which informant has filed criminal case. He has got no criminal antecedent and languishing in judicial custody since 23.3.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that informant had given an amount of Rs. 17,76,000/- for purchasing a piece of land but neither he has returned the amount nor executed the sale deed.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 3.6.2023 is hereby set aside.



The appellant is directed to be enlarged on bail in connection with Rupaspur P.S. Case No. 795 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 Exclusive Special Court (SC & ST Act), Patna.

(Sunil Kumar Panwar, J)

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