

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2480 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- SC/ST District- Saran

ANURAG PRATEEK @ BIKAS SRIVASTAV @ ANURAG PRATIK Son of
Late Sachindra Kishor Srivastav Resident of Mohalla - Mohan Nagar, P.S.-
Chapra Town, District - Saran

... .. Appellant/s

Versus

1. The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vipin Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 01-02-2023 Heard learned counsel for the appellant.

Learned counsel for the appellant is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

This appeal has been preferred on behalf of the
appellant under Section 14-A (2) of the SC & ST (Prevention of
Atrocities) Act for setting aside the order dated 17.06.2022 in
connection with Saran SC/ST P.S. Case No. 04 of 2022,
registered for the offences punishable under Sections 147, 148,
323, 406, 420 and 120(B) of the Indian Penal Code and Section
3(r)(s)(w) of SC and ST (Prevention of Atrocities) Act, whereby
the prayer for anticipatory bail of the appellant has been



rejected.

As per prosecution case, the informant belongs to scheduled caste community and her husband is a retired police personnel. They wished to have a house at Chapra town for which the informant contacted her co-villager, Uma Kant Tiwary. The petitioner and the co-villager Uma Kant Tiwary are alleged to be facilitator in execution of the sale deed by the land owner Sulekha Devi, who executed the sale deed in favour of the informant. Subsequently, it came to light that the land in question did not belong to Sulekha Devi.

Learned counsel for the appellant has submitted that the petitioner is not the executant of the sale deed. The only allegation against him is that he facilitated the transaction. He has submitted further that the entire consideration money has been returned to the informant.

It appears to be a case of civil nature. The petitioner is not a party to the alleged contract, nor he is signatory to the documents, whereby agreement to sale was entered into between the parties. He is a person of clean antecedent.

From bare perusal of the complaint petition, it appears that the occurrence has not taken place due to malicious feeling of caste, as such, the provision of SC/ST Act does not attract



prima facie.

Considering the facts and circumstances, the appeal is allowed and the impugned order dated 17.06.2022 is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellant, above-named shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-3rd-cum-Special Judge, SC/ST Act Court, Saran at Chapra in connection with Saran SC/ST P.S.Case No. 04 of 2022.

Office shall ensure that all the defects are removed by the appellant within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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