

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3431 of 2023

Arising Out of PS. Case No.-335 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Kiran Devi Wife Of Ganesh Goswami Resident Of Paharpur, Police Colony,
D/55, Ps- Gardanibagh, Dist- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Sanjiv Sharan
For the Respondent/s	:	Mr.Binay Krishna
For the Complainant		Mrs. Rabia Gulnaz
		Mrs. Sabina Talat

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-10-2023 Heard learned counsel for the appellant, complainant
and learned Special Public Prosecutor for the State.

2. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 22.06.2023, passed by learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 335 of 2019, registered under Sections 420, 406 of the IPC and Sections 3(i) (x) of SC/ST Act.

3. As per complaint case, the complainant has given Rs. 10,21,000/- to the appellant and her husband for purchasing his house with land. The total consideration amount was Rs. 66,30,000/- and after payment of Rs. 10,21,000/- an agreement



was made. It is alleged that as per the agreement when the complainant tried to give the rest consideration amount to the appellant and her husband for executing the sale deed, they intentionally did not accept the same.

4. It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that the appellant is only a witness to the said agreement. He submits that the complainant paid only Rs.10,21,000/- and rest amount was not paid within the given period, so the sale deed was not executed by the appellant and her husband. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

5. However, learned Special P.P. for the State and learned counsel for the complainant opposing the prayer for bail submit that the appellant is also involved in the present case.

6. Considering the facts and circumstances of the case and the nature of dispute, let the above named appellant in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty



Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 335 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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