

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3723 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- PARAIYA District- Gaya

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Ranjan Kumar Sinha S/O Kailash Prasad Sinha Resident of village- Bye-pass,
Road, Shiv Colony, Maranpur, P.S.- Vishnupad, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Devlakhman Manjhi S/O Jago Bhuiyan Resident of village- Baigoman, P.S.-
Paraiya, District- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bandana Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 02-03-2023 Heard Ld. counsel for the appellant and Ld. Special

Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the

appellant on bail, impugning the order dated 13.10.2022,

passed by the Ld. Exclusive Special Judge, SC/ST, Gaya, in

connection with Paraiya P.S. Case No. 161 of 2022,

registered for the offences punishable under Sections 420

and 34 of the Indian Penal Code and Sections 3(1)(r)(s)/

3(2)(V-a) of SC/ST Act, whereby bail has been denied to the

appellant.

The prosecution case as emerging from the FIR is



that informant had agreed to sell 10 Katha 37 ½ decimal of his land for Rs. 10,00,000/- and he had already got Rs. 5,00,000/- as advance prior to the execution of the sale deed and Rs. 5,00,000/- was due to be paid after execution of sale deed. However, the purchaser as well as the Scribe of the sale in conspiracy has got sale deed executed for 2 Acres 37 ½ decimal and remaining Rs. 5,00,000/- which was due to be paid after execution of the sale deed has not been paid to the informant.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that accused-appellant is a Scribe of the sale-deed and his role was confined only to drafting the sale-deed and beyond that he had no role. As per the dictation of the parties, he had drafted the sale deed. He also submits that the alleged facts and circumstances constitute a dispute of civil nature and the informant has remedy in Civil Court by way of filing suit for rescission/cancellation of the sale deed on account of fraud or for recovery of outstanding due amount if any.



He further submits that the appellant has been languishing in jail since 23.09.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State and informant vehemently oppose the prayer of the appellant for bail submitting that the appellant has played active role in committing fraud with the informant by changing the sale deed, which was originally made for transferring only 10 katha 37 ½ decimal of land.

Considering the aforesaid facts and circumstances, particularly civil nature of the dispute and availability of civil remedy with the informant, **the appeal is allowed**, setting aside the impugned order dated 13.10.2022, passed by Ld. Exclusive Special Judge, SC/ST, Gaya, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of Ld. Exclusive Special Judge, SC/ST, Gaya in connection with Paraiya P.S. Case No. 161 of 2022 on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has any criminal antecedents, the Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of



the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, the Ld. trial court shall cancel the bail bonds of the appellant.

Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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