

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4091 of 2022

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

Abhishek Kumar Son Of Shiv Kumar Yadav Resident Of Village- Baigowan,
P.S.- Paraiya, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Deolakhan Manjhi Son of Late Jago Bhuiya Resident of Village- Baigoman,
P.S.- Paraiya, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 04-05-2023 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 13.10.2022 passed by

learned Exclusive Special Judge (SC/ST Act), Gaya,

whereby the prayer for bail of the appellant in

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

under Sections 420/34 of the Indian Penal Code and

Sections 3(1)(r)(s)/ 3(2)(va) of the SC/ST (POA) Act

was rejected.



The allegation against the appellant and others is of wrongly executing the sale deed of 2 *Acre 10 Katha* instead of 10 *Katha* from the informant.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The dispute relates to civil in nature. As per F.I.R, the occurrence did not take place in public view. Hence, no offence is made out under the provisions of the SC/ST Act against the appellant. The appellant is in custody since 23.09.2022.

The counsel appearing on behalf of the informant and learned Special P.P for the State have vehemently opposed the prayer for bail of the appellant.

Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 13.10.2022 arising out of Paraiya P.S. Case No. 161 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail



in connection with Paraiya P.S. Case No. 161 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 Judge
SC/ST, Gaya.

(Sunil Kumar Panwar, J)

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