

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4191 of 2022**

Arising Out of PS. Case No.-13 Year-2022 Thana- SC/ST District- Buxar

Awadh Bihari Yadav S/O Kudan Yadav @ Kundan Yadav R/V- Chhotaki
Basauli, P.S.- Buxar (Industrial), District- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumant kumar Ram son of Late Raj Bihari Ram Resident of village-Baruna,
P.S-Buxar(industrial), District-Buxar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 23-05-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
18.10.2022 passed by learned Additional Sessions
Judge-I-cum-Special Judge, SC/ST(POA) Act and
Children Court, Buxar in connection with SC/ST Case
No. 68 of 2022, arising out of Buxar SC/ST P.S. Case
No. 13 of 2022 instituted for the offences punishable
under Sections 406, 420, 504, 506 of the Indian Penal
Code and Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST
Act whereby his prayer for being released on bail has



been rejected.

The prosecution case as per F.I.R is that on 11.06.2022, the informant went to the Registry Office at Buxar for selling his land along with his aunt and the purchaser Gita Devi was also present there along with the appellant who happens to be the mediator for the transaction of sale. It is further alleged that the informant and his aunt sold the land to Gita Devi by a registered sale deed after receiving the remaining consideration amount of Rs. 2 lakhs from her but as the informant had no any bag for keeping the cash amount, therefore, it was offered by the appellant that he had a bag and he received the cash amount on the promise that the same will be returned to the informant at his house but the appellant did not return the amount and when the informant went to his house along with other family members then appellant abused the informant and other members by calling their caste name.

It is submitted by learned counsel for the



appellant that appellant is innocent and he has falsely been implicated in this case. The appellant has no concern with the aforesaid sale deed as the appellant is neither land owner nor purchaser and he is not the witness of the sale deed. For the alleged occurrence of 11.06.2022, F.I.R was registered on 01.07.2022 without explaining the delay. A supplementary affidavit has been filed to the effect that good sense has prevailed between the parties and both sides have compromised the matter. The compromise petition has been annexed as Annexure-3 to the supplementary affidavit. The appellant is in custody since 07.07.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated



18.10.2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act and Children Court, Buxar in connection with Buxar SC/ST P.S. Case No. 68 of 2022, arising out of Buxar SC/ST P.S. Case No. 13 of 2022.

(Sunil Kumar Panwar, J)

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