

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4291 of 2022

Arising Out of PS. Case No.-109 Year-2021 Thana- SABAUR District- Bhagalpur

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Ajay Yadav S/O Raja Yadav @ Raju Yadav @ Rajaram Yadav R/O Village-
Khurd Lodipur, P.S- Lodipur, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Kumari Wife of Om Prakash Paswan Resident of Prem Nagar
sabour,P.O-Sabour, P.S-Sabour, District-Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 13-07-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated

15.09.2022 passed by learned Additional Sessions

Judge-III-cum-Special Judge, (SC/ST) Act, Bhagalpur in

connection with Sabour P.S. Case No. 109 of 2021

instituted for the offences punishable under Sections

406, 420, 504, 506, 34 of the Indian Penal Code and

Sections 3(1)(r)(s) of the SC/ST Act whereby his prayer

for being released on bail has been rejected.



It is alleged against the appellant that he along with co-accused Sanjay Kumar had executed an agreement to sell a piece of land with the informant and received consideration amount of Rs. 7 lakhs by cheques and cash but thereafter, the land was not executed in favour of the informant and when the informant went to the house of the co-accused Sanjay Kumar and requested to return her money, she was abused by calling caste name and threatened of dire consequences.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. As per F.I.R, the date of agreement is 02.12.2018 but F.I.R was lodged on 15.04.2021. The F.I.R itself suggests that agreement was executed between the informant and co-accused Sanjay Kumar and appellant was only a middle-man in the aforesaid deal. Moreover, the case comes within the purview of civil in nature. The appellant is in custody since 07.04.2022.



In contra, learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have 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 15.09.2022.

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-III-cum-Special Judge (SC/ST) Act, Bhagalpur in connection with Sabour P.S. Case No. 109 of 2021 (Special SC/ST Case No. 58/21).

(Sunil Kumar Panwar, J)

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