

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.552 of 2024

Arising Out of PS. Case No.-340 Year-2023 Thana- RAJAPAKAR District- Vaishali

Ranjay Kumar S/O VISHUNDEV RAM VILLAGE- BAKHARI BARAI, PS.
RAJAPAKAR, DIST. VAISHALI.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-04-2024 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 16.12.2023 in A.B.P. No. 3156 of 2023 passed by the learned Exclusive Special Judge SC/ST Act, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 340 of 2023 registered under Sections 341, 323, 354, 504, 506, 420/34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the



informant for ulterior reasons. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that a purely civil dispute has been given a criminal colour and thereafter allegation under the SC/ST Act has also been alleged in order to make the case non-bailable. It is next submitted that the appellant himself belongs to the community of the SC/ST as such the SC/ST Act is not attracted against him but then the informant in her zeal to implicate the accused persons even implicated the appellant herein. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant in sum and substance alleges that a sale deed was executed in favour of Seema Devi by the son of the informant about whom the informant alleges that he is mentally unstable and the sale deed got executed without paying the consideration money.

4. Learned counsel for the appellant submits that it absolutely does not stand to reason that as to on what basis it is being alleged that the son of the informant is a person suffering from mental disability when he had gone to the Registry Office for executing the sale deed and that too after receiving the consideration money. It is further submitted that appellant is merely an identifier on the sale deed. It is next submitted that



the husband of the informant has also filed Suit No. 1263 of 2023 for getting the sale deed cancelled which is pending adjudication in the Court of learned Sub-Judge-X, Vaishali at Hajipur. It is also submitted that the purchaser of the property will get an opportunity to contest the suit and he will putforth his defence. It is next submitted that whether it would be prudent in the nature of allegation to send the appellant to jail when suit is pending in between the side of the informant and the purchaser of the land. It is further submitted that as far as allegation of assault and abuse is concerned, the same is ornamental in nature.

5. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellant that a suit is pending in between the side of the informant and the purchaser of the land and appellant is merely an identifier on the sale deed and there is no allegation of assault and abuse against the appellant.

6. Considering the aforesaid facts, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date



of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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