

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1118 of 2024

Arising Out of PS. Case No.-31 Year-2018 Thana- SC/ST District- Aurangabad

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DIGVIJAY PASWAN S/O LATE JAGDISH PASWAN R/O VILLAGE-
SUHEA, P.S - KUTUMBA, DISTT. - AURANGABAD.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SMT. GEETA DEVI W/O SURENDRA RAM R/O VILLAGE - BADHOI
KALA, P.S - PHESAR, DISTT. - AURANGABAD.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Anirudh Kumar Verma, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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| 3 | 25-04-2024 | <p>1. Heard learned counsel for the appellant and Mr. Binay Krishan learned Special Public Prosecutor for the State.</p> <p>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 09.02.2024 in A.B.P. No. 284 of 2024 passed by the learned Special Judge (SC/ST)-cum-1st Additional Sessions Judge, Aurangabad in connection with Aurangabad Sadar SC/ST P.S. Case No. 31 of 2018 registered under Sections 420, 504 and 506/34 of the Indian Penal Code, Sections 3(i)(r), 3(i)(s), 3(2) (va) of the SC/ST Act as well as Sections 25(1-b)a, 26 and 35 of the Arms Act.</p> |
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3. Learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and has been falsely implicated in the instant case by the respondent no. 2. It is further submitted that since appellant himself belongs to the SC/ST community as such SC/ST Act does not get attracted against him. It is next submitted that the dispute is purely civil to which a criminal colour has been given. It is further submitted that the respondent no. 2 alleges that she purchased a piece of land from Ajit Kumar Sinha by a registered deed dated 27.06.2013 on persuasion of the appellant and Dilip Lal for a consideration of Rs.4 lakhs. It is next alleged that on 15.05.2018, she came to know that someone else was constructing a house on the piece of land which she had purchased from Ajit Kumar Sinha, thereafter she went to the place of occurrence and found the information correct and came to know that the land in question belonged to Akhilesh Kumar Sinha brother of Ajit Kumar Sinha and he had sold the land to another person on 04.01.2013 i.e. prior to the respondent no. 2 purchasing the land, thereafter she went to the house of Ajit Kumar Sinha asking him to return her money upon which it is alleged that Ajit Kumar Sinha along with Dilip Lal abused her by taking caste name. It is next submitted that apart from the



allegation that on persuasion of the appellant the land was purchased, there is nothing in the FIR to suggest about the involvement of the appellant in the occurrence. It is further submitted that the FIR has been registered under the Arms Act only to give serious colour to the case.

4. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

5. 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.

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

(Satyavrat Verma, J)

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