

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1337 of 2024

Arising Out of PS. Case No.-34 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Anil Prasad S/o Bansi Rai R/o Mohalla - Near Devi Sthan, Kurzi Balupar, Sadakat Ashram, P.s. - Digha, Distt. - Patna
 2. Smt. Indu Devi W/o Anil Prasad R/o Mohalla - Near Devi Sthan, Kurzi Balupar, Sadakat Ashram, P.S. - Digha, Distt. - Patna
 3. Sonu Kumar @ Sunny Kumar S/o Anil Prasad R/o Mohalla - Near Devi Sthan, Kurzi Balupar, Sadakat Ashram, P.S. - Digha, Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Smt. Poonam Devi W/o Dhananjay Chaudhary R/o Mainpura, Harijan Colony, P.S. - Patliputra, Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anjani Parashar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 15-05-2024 1. Heard learned counsel for the appellants and Mr. Binay Krishna learned Special Public Prosecutor for the State.
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 08.02.2024 in A.B.P. No. 458 of 2024 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Complaint Case No. 34(C) of 2022 registered under Sections 420, 323, 354B, 376 and 511 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.



3. Learned counsel for the appellants submits that appellant no. 1 has antecedent of one case and appellant no. 2 and 3 are persons with clean antecedent and have been falsely implicated in the instant case by the complainant. It is further submitted that from perusal of the allegation as alleged in the complaint, it would manifest that the complainant alleges that a sale deed was executed by her mother-in-law in favour of appellant no. 2 on which her husband was a witness, thereafter a rectification deed was also executed to rectify the mistake committed in the sale deed with respect to the boundary. It is next submitted that the complainant one year after the execution of the sale deed and the rectification deed, instituted the instant complaint with an allegation that the entire consideration amount was not paid at the time of execution of the sale deed and when the complainant went to the house of the appellants for seeking the amount of leftover consideration, it is alleged that she was abused, assaulted and molested and was also abused by caste name publicly. It is also submitted that a Title Suit No. 239 of 2021 has been filed by her mother-in-law for declaring the aforesaid sale deed null and void.

4. Learned counsel for the appellants submits that the dispute is purely civil and only to give serious colour to the case



allegation of assault, molestation and abuse by taking caste name has been alleged. It is further submitted that even the learned trial court while taking cognizance failed to appreciate the fact that the dispute was purely civil.

5. Learned Special P.P. submits that since cognizance has been taken as such for the present anticipatory bail is not maintainable but then the appellants shall raise all the issues at the time of surrender.

6. At this stage, learned counsel appearing on behalf of the appellants seeks permission to withdraw this appeal.

7. Permission is accorded.

8. Accordingly, this appeal stands dismissed as withdrawn.

9. However, if the appellants surrender on or before 01.06.2024, the learned trial court shall dispose of the case on the same day keeping in mind the submissions made on behalf of the appellants as recorded hereinabove.

(Satyavrat Verma, J)

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