

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2143 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- SC/ST District- Kaimur (Bhabua)

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Rakesh Singh @ Rajesh kumar Singh Son Of Late Laldhar Singh Resident Of
Village - Naubatpur, P.S. - Saiyadreja, Distt. - Chandauli (Uttar Pradesh)

... .. Appellant/s

Versus

1. The State of Bihar
2. Sukhari Ram Son Of Late Khobhari Ram Resident Of Village - Madhopur,
Ward No. 10, P.S. - Durgawati, Distt. - Kaimur (Bhabhua)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shankar Kumar
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 25-01-2024 Learned counsel for the appellant is permitted to

make necessary corrections in the name of appellant.

2. Heard learned counsel for the appellant,

learned Special Public Prosecutor for the State.

3. The instant appeal has been filed by the

appellant against the order dated 03.04.2023 passed by

learned Special Judge SC/ST (POA) Act, kaimur at

Bhabhua whereby the prayer for bail of the appellant in

connection with SC/ST P.S. Case no. 03 of 2023 under



Sections 341, 323, 420, 504, 506/34 of the Indian Penal Code and sections 3(1)(r)(s), 3(2)(va) of SC/ST Act was rejected.

4. Prosecution case in nutshell is that a land was proposed to be purchased by the appellant's wife, namely, Dimpal Devi on consideration money of Rs. 12,12,000/-. It is further alleged that when the informant went to the said land, appellant abused him and his wife by taking his caste name. It is further alleged that co-accused Ram Prakash Gupta assaulted the informant by means of iron rod due to which he sustained injury on his left leg. Appellant assaulted the informant due to which he also sustained injuries.

5. It is submitted by learned counsel for the appellant that appellant, being the husband of owner of land, namely, Dimpal Devi, has been falsely implicated in this case. It is further submitted that the land has been recorded in the name of appellant's wife, namely, Dimpal Devi and he has never received any money from the informant on account of selling the land of his wife. It is



submitted vide para 9 of the appeal that informant want to grab the land of the appellant without paying the consideration money. Appellant has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. This case is civil in nature. Moreover, the appellant is languishing in judicial custody since 14.03.2023. A statement has been made in para 3 of the appeal that appellant has no criminal antecedent.

6. The appeal for bail is opposed by learned Spl. P.P. for the State.

7. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 03.04.2023 is hereby set aside.

8. The appellant is directed to be enlarged on bail in connection with SC/ST P.S. Case No. 03 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand



only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Kaimur at Bhabhua.

(Sunil Kumar Panwar, J)

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