

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3251 of 2024

Arising Out of PS. Case No.-67 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

Sayed Anwar Jamal Son of Md. Sarejuddin R/O-Nafees Villa 221, Patliputra
Colony, P.S.- Patliputra District- Patna Appellant/s
Versus

1. The State of Bihar
2. Rohit Kumar Paswan Son of Hari Paswan R/O-A 4 Type 3 ,Railway Colony
Near Railway Hospital, P.S.- Jhumri Tilaiya District -Koderma
... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-09-2024 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State, Ms Usha Kumari No. 1.

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 24-1-2024
in A.B.P. No. 99 of 2024 passed by the learned Exclusive Special
Judge S.C./S.T. Act, Patna in connection with Complaint Case No.
67(C) of 2022 registered for the offences punishable under
Sections 406, 420, 120B and 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 the
appellant has antecedent of two cases and has been falsely
implicated in the instant case by the informant on account of



dispute relating to non-execution of the sale deed. It is further submitted that from perusal of allegation as alleged in the Complaint, it would manifest that appellant was not a privy to the agreement for sale, but then also he has been implicated in the instant case. It is next submitted that the dispute is purely civil to which a criminal colour has been given but then the learned Magistrate has taken cognizance, on which learned Spl. PP submits that since cognizance has been taken as such it would manifest that the learned Magistrate has found a *prima facie* case against the appellant but then learned Spl. PP is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that appellant was not a privy to the agreement for sale and the dispute is civil in nature.

4. In view of the submissions made by learned counsel for the parties, the appeal is disposed of with a direction to the appellant to surrender before the learned trial court on or before 23-9-2024 and the learned trial court on the same day shall dispose of the case keeping in mind the argument made on behalf of the appellant as recorded hereinabove.

(Satyavrat Verma, J)

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