

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3737 of 2023

Arising Out of PS. Case No.-272 Year-2021 Thana- BHAGWAN BAZAR District- Saran

1. RAMAKANT SINGH @ MASTER @ RAMASHANKAR SINGH S/O - LATE DHURUP SINGH R/O VILLAGE - BASDILA, P.S. - CHAPRA MUFFASIL
2. RAJESH KUMAR SINGH @ LOHA S/O - LATE DUDHNATH SINGH R/O VILLAGE - FAKULI, P.S. - CHAPRA MUFFASIL

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. GAURI CHAUDHARY S/O - LATE GAMA CHAUDHARY R/O VILLAGE - CHOTA BRAHAMPUR, P.S. - BHAGWAN BAZAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Radha Mohan Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
		Mr.Vijay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 24-01-2024 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Spl.P.P. for the State.

2. This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 12.07.2023, passed by learned Additional Sessions Judge 3rd, Saran, in connection with Bhagwan Bazar P.S. Case No.272 of 2021, registered u/s 406, 420, 467, 468, 471, 506, 34 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.
3. The crux of the prosecution case is that the F.I.R. named



accused persons including the appellants cheated Rs.21,50,000/- from the informant in the name of selling a piece of land by preparing forged documents and when the informant demanded his money back, they gave him a cheque drawn by some other person having false signature which was ultimately returned by the bank. When the informant complained about the same, all the persons started abusing him by caste and threatened to forget about the land and the money.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence is not said to have taken place in the public view. Further, there is no specific overt act against the appellants and they have no concern with the accused persons with whom the money transaction was done by the informant. It is further submitted the informant has not produced any document to show that he has given money to the appellants. Appellant no.1 has one criminal antecedent and appellant no.2 has no criminal antecedent and similarly situated co-accused namely Mukul



Pandey and Banti Srivastava have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Appeal (SJ) No.4096 of 2021 dated 22.09.2022.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

6. Considering the facts and circumstances of the case, since similarly situated co-accused have been granted anticipatory bail and there is a civil dispute between the parties, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 3rd, Saran, in connection with Bhagwan Bazar P.S. Case No.272 of 2021, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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