

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4394 of 2023**

Arising Out of PS. Case No.-16 Year-2019 Thana- SC/ST District- Buxar

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AJAY KUMAR SINGH S/o Late Shiv Kumar Singh R/o Village-Amasari,
P.S.-Murar, District-Buxar.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. PHULTUSIYA DEVI W/o Sghan Rai Resident of Village and Post-Aamsari,
P.S.-Murar, District-Buxar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Ashwini Kumar Rai. Adv.
For the informant	:	Mr. Jai Ram Prasad, Adv
		Mr. Deepak Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

8 09-05-2024 Heard learned counsel for the appellant, learned
counsel for the respondent 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 (Prevention of Atrocities) Act, 1989 against the rejection of prayer of bail of the appellant vide order dated 28.08.2023 passed by the learned Additional Sessions Judge-1- cum Special Judge, SC/ST(PoA) Act and Children Court, Buxar in connection with SC/ST P.S. Case No. 16 of 2019 dated 20.09.2019 registered for the alleged offences punishable under Sections 420, 504, 506 and 120B read with Section 34 of the Indian Penal Code and Sections 3(i)



(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, the informant purchased the land on consideration of rupees one lakh per kattha from the appellant and the co-accused persons and due to that the informant gave earnest money of Rs. 1,40,000/- for the said land to the appellant and also gave Rs. 1,10,000/- to the brother's wife of the appellant. It is further alleged that when the informant went to get his name mutated in the registered-II then it was found that the purchase land was sold to the other persons. The informant gave information regarding the said occurrence, the appellant and the co-accused persons assured to give another land to the informant and when the informant went to get his aforesaid land for possession then it was found that the second land was also sold to other persons. When the complainant requested for possession of the said land then accused persons threatened her for dire consequences. When the informant went to the house of the accused persons then it is alleged that all the accused persons started abusing her by calling her caste name.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case



due to land dispute. There is no specific allegation against the appellant and the informant only raised suspicion against the appellant. Learned counsel has further submitted that the informant has not submitted any document regarding payment of money as alleged in the F.I.R. There is general and omnibus allegation of abusing against the appellant and no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant is in custody since 08.11.2019. The appellant has two criminal antecedents as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 28.08.2023 passed by the learned Additional Sessions Judge-1-cum Special Judge, SC/ST(PoA) Act and Children Court, Buxar in connection with SC/ST P.S. Case No. 16 of 2019, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed



to be enlarged on bail on furnishing bail bond of Rs. 20,000/-
(Rupees Twenty thousand) with two sureties of the like amount
each to the satisfaction of the learned Additional Sessions
Judge-1- cum Special Judge, SC/ST(PoA) Act and Children
Court, Buxar in connection with SC/ST P.S. Case No. 16 of
2019.

(Chandra Prakash Singh, J)

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