

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5564 of 2023

Arising Out of PS. Case No.-467 Year-2023 Thana- SULTANGANJ District- Bhagalpur

Shashi Bhushan Prasad Son Of Bhola Mandal Resident Of Village - N.H. 80,
Near Durga Mandir, Tilakpur, P.S. - Sultanganj, District - Bhagalpur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Khagendra Paswan Son Of Late Bhaskar Paswan Resident Of Village - Maheshi, P.O. - Tilakpur, P.S. - Sultanganj, District - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Jha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-08-2024 Despite personal service of notice, by learned Spl. Public Prosecutor for the State, nobody appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and learned Spl. Public Prosecutor for the State.

3. This criminal appeal has been filed against the order dated 02.11.2023 passed by learned Additional District & Sessions Judge-III-cum-Special Judge (SC/ST) Act, Bhagalpur in ABP No. 2730/2023 in connection with Sultanganj P.S. Case No. 467 of 2023, registered under Sections 419, 420, 467, 468, 471/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

4. As per the prosecution case, one Santosh Kumar fraudulently sold land to informant and appellant was identifier in the said sale deed. It is further alleged that on 02.08.2023 when informant and others went to the house of Santosh Kumar and demand the money back, all the accused persons abused him by caste name.

5. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case. Appellant is only alleged to be the identifier in the sale deed and he has not taken any money from informant. Appellant is neither vendor nor beneficiary of transaction. F.I.R. is silent about who, member of the public, was present when the alleged incident occurred, as such, no offence under SC/ST Act is made out.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional



District & Sessions Judge-III-cum-Special Judge (SC/ST) Act,
Bhagalpur in connection with Sultanganj P.S. Case No. 467 of
2023.

8. Accordingly, the impugned order dated 02.11.2023
is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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