

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.181 of 2025

Arising Out of PS. Case No.-339 Year-2022 Thana- SAHPUR District- Patna

Praveen Kumar Sinha @ Praveen Kumar S/o- Shiv Pujan Prasad Singh
Resident of Besides saho Apartment R K Puram colony Danapur Khagual
Road P.S- Danapur District -Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Madan Choudhari S/o- Jagmohan Chaudhary R/o Village- Enkhan P.S.-
Dulhin Bazar Dist- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kiran Kumari Sharma
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-03-2025

I.A. No. 01 of 2025

1. Heard learned counsel appearing on behalf of the parties.

2. This Interlocutory application has been filed under Section 5 of the Limitation Act read with Section 14(3) of SC/ST(POA) Act, 1989, as to condone the delay of 25 days to prefer the present appeal, which is against the rejection of anticipatory prayer of bail.

3. It is submitted that the aforesaid delay was neither intentional nor deliberate, rather due to certain hardship which was not within the reach of appellants.

4. Considering the aforesaid submissions and also for



the reasons, as mentioned in petition itself and also, as the delay as aforesaid within period of 180 days, in view of proviso of Section 14(3)A of the SC/ST Act, 1989, same is condoned herewith.

5. Interlocutory Application No. 01 of 2025 stands allowed and disposed of accordingly.

Cr. Appeal (SJ) No. 181 of 2025

1. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 06.09.2024 passed by the learned Court of Exclusive Special Judge (SC/ST Act) Civil Court (Sadar), Patna in A.B.P. No. 3687 of 2024 (arising out of Shahpur P.S. Case No. 339 of 2022), registered under Sections 406, 420, 467, 468/34 of the Indian Penal Code, and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

3. It is submitted by learned Spl. PP Mr. Binay Krishna that the information regarding present proceedings has already given to the informant in terms of order dated 21.02.2025.

4. Appellant is named in FIR.



5. Allegation against appellant is to cheat the informant for Rs. 8,35,000/- on pretext of giving a flat alongwith other co-accused persons but same was not delivered as promised. Appellant was working with company i.e. M/s Patligram Builders Private Limited as Assistant General Manager (AGM).

6. Learned counsel appearing for the appellant submitted that the controlling affairs of the company was with co-accused Prabhat Kumar Ranjan @ Uday Samrat, who has already granted regular bail by this Court through Cr. Appeal (SJ) No. 623 of 2023 dated 23.06.2023, wherein the agreement arrived between the parties as to return Rs. 8,35,000/-. Upon acting of the same Rs. 1,75,000/- was returned to the informant by the said co-accused at the time of furnishing of his bail bond. It is submitted that in view of said compromise, now nothing survives in this matter and, moreover, the appellant was the AGM and was not in the controlling affairs and his duty was only to inform the client regarding activities of the builders company. It is submitted that from the perusal of FIR, it appears that the dispute is purely civil in nature and, moreover, nothing appears on its face, which may suggest that the occurrence took place due to atrocities as defined within the meaning of SC/ST Act, 1989.

7. Learned counsel for the appellant submitted that if



insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam***, as reported in ***2015 (153) AIC 276***.

8. Learned Spl. PP while opposing the prayer of bail fairly conceded that matter appears compromised between informant and co-accused Prabhat Kumar Ranjan, who said to be the Managing Director of the company and was in its controlling affairs.

9. In view of aforesaid facts and circumstances, as the matter appears compromised with main co-accused, where it was compromised to return Rs. 8,35,000/- to the informant by co-accused Prabhat Kumar Ranjan @ Uday Samrat and was approved by the informant, the appellant, who is Assistant General Manager and having of no control over the affairs of the company rather his duty appears assigned as to inform the different prospective clients regarding activities of the company, where the present occurrence also not appears *prima facie* out of atrocities as defined within the meaning of SC/ST Act, 1989, accordingly, above-named appellant in the event of his arrest or surrender before the learned trial Court, within a period of six weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Court (Sadar), Patna/concerned Court, where the case is pending in connection with A.B.P. No. 3687/2024 arising out of Shahpur P.S. Case No. 339 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. Accordingly, impugned order dated 06.09.2024 as passed through A.B.P. No. 3687 of 2024 (arising out of Shahpur P.S. Case No. 339 of 2022) is hereby set/quashed.

11. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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