

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1359 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- SC/ST District- Nalanda

Ram Keshwar Prasad @ Chhotelal son of Late Dhara Mahto @ Late Dhari Mahto Resident of Village- Amhada PS - Giriak Dist. - Nalanda P/A-Neemganj PS - Laheri Dist- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Sona Devi, wife of Hira Chaudhary resident of mohalla Murarpur near Brahmasthan PS Laheri District Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anurag Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 11-04-2025 1. Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

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 22.09.2023 and corrected order dated 04.10.2023 and 23.02.2024 passed by the learned District and Sessions Judge-VI-cum-Special Judge, SC/ST (POA) Act, Bihar Sharif, Nalanda in connection with SC/ST P.S. Case No. 38 of 2023 registered under Sections 323, 341, 504, 506, 420, 406, 467, 468, 354 and 34 of the Indian Penal Code as well as Sections



3(i)(r)(s)(w)(i) and 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellant submits that appellant had earlier moved this Court seeking anticipatory bail by filing Cr. Appeal (SJ) No. 4878 of 2023 and the same was permitted to be withdrawn by an order dated 22.02.2024 with liberty to the appellant to file an appeal afresh. It is further submitted that in view of the liberty granted to the appellant by an order dated 22.02.2024 in Cr. Appeal (SJ) No. 4878 of 2023, the instant appeal has been filed.

4. Learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and from perusal of the allegation as alleged in the FIR, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is further submitted that informant is alleging that appellant had approached the informant for selling his 17 decimals of land at Rs.9,000/- per decimal and had also received an amount of Rs.48,510/- by way of advance but then it is alleged that sale deed was never executed and as such the appellant siphoned off the advanced amount along with Rs.3 lakhs which the informant alleges to have given to the appellant subsequently.

5. Learned counsel appearing on behalf of the



appellant submits that appellant has been falsely implicated in the instant case. It is further submitted that the dispute is purely civil to which a criminal colour has been given. It is next submitted that informant alleges that the rate fixed for selling the land was Rs.9,000/- per decimal but the government rate of the land during the said period was Rs.60,000/- per decimal, as such, why the appellant would have become ready to sell the land at a lower price. It is also submitted that informant alleges that an amount of Rs.3,48,000/- and odd was given to the appellant but then there is no documentary evidence on record to substantiate the said allegation. It is submitted that if what has been alleged in the FIR is true in that event the informant ought to have moved before a Court of competent civil jurisdiction for recovering the money where appellant would have got an opportunity to rebut the claim of the informant. It is further submitted that in the nature of allegation no offence under SC/ST Act is made out as the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses.

6. Learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail.



7. Considering the submissions made by the learned counsel appearing on behalf of the appellant, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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