

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2216 of 2024

Arising Out of PS. Case No.-79 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Amit Kumar @ Amit Kumar Gupta S/O Binod Kumar Gupta R/O Debraj
Apartment, Lalji Tola, P.S.- GANDHI MAIDAN, DIST- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. DR. NAVIN KUMAR PRASAD S/O LATE SAUDAGAR RAM
BHAGWAT MARKET, SECOND FLOOR, GOLA ROAD, BAKARGANJ,
P.S.- PIRBAHORE, DIST- PATNA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Aditya Nath Pandey, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-12-2025 1. Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel
appearing on behalf of the complainant.

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 05.04.2024 in A.B.P. No. 1111 of 2024 passed by
the learned Exclusive Special Court, SC/ST Act, Patna in
connection with Complaint Case No. 79(C) of 2021 registered
under Sections 341, 323 and 504 of the Indian Penal Code as
well as Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel appearing on behalf of the



appellant submits that appellant is a person with clean antecedent. It is further submitted that appellant in the year 2019 had entered into a lease agreement with the complainant. In pursuance whereof, the complainant had leased his shop to the appellant for a period of 11 months at a monthly rental of Rs.5,500/-. It is next submitted that from perusal of the lease document, it would manifest that appellant had deposited an amount of Rs.5 lakhs, by way of security money, and the same was returnable when the appellant had to vacate the shop. It is also submitted that a dispute arose in between the appellant and the complainant, as such, the complainant asked the appellant to vacate the shop on which the appellant requested for his security money but the same was not returned, accordingly, the appellant sent a legal notice to the complainant for returning the amount but, when the same was not responded, the appellant instituted Pirbahore P.S. Case No. 51 of 2021 dated 02.02.2021. It is further submitted that the complainant, in retaliation, instituted the instant complaint case in which cognizance came to be taken.

4. Learned counsel appearing on behalf of the appellant next submits that from perusal of the allegation as alleged in the complaint, it would manifest that the complainant



alleges that on 01.02.2021, at 06:30 p.m., while he was going to his house and reached near Hotel Maurya when the complainant saw the appellant standing along with 2-4 unknown accused persons and the moment, the appellant saw him, he started abusing by taking caste name and also assaulted by fists and on alarm some known persons came who pacified the issue.

5. Learned counsel appearing on behalf of the appellant submits that from perusal of the allegation as alleged in the complaint, it would manifest that the same does not inspire confidence for the reason that in the complaint, the complainant does not disclose, who were the persons, who came to pacify the issue when it is alleged that complainant was knowing those persons. It is next submitted that a purely civil dispute has been given a criminal colour but then the learned Magistrate in a mechanical manner without appreciating the facts of the case in its correct perspective took cognizance.

6. Learned Special Public Prosecutor and learned counsel appearing on behalf of the complainant opposed the prayer for anticipatory bail and submit that since Court has taken cognizance, as such, a, prima facie, case is made out, hence, anticipatory bail application in view of Section 18 of the SC/ST Act is not maintainable



7. After hearing the learned counsel for the appellant, the Court, prima facie, was of the view that the appeal deserves to be allowed, but, for the order of cognizance, the appeal is disposed of with a direction to the appellant to surrender before the learned trial court on 22.12.2025 and the learned trial court on the same day shall dispose of the case keeping the fact in mind that there is a relationship of landlord and tenant in between the complainant and the appellant.

8. The complainant is directed to remain physically present before the learned trial court on 22.12.2025.

(Satyavrat Verma, J)

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