

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2977 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- SC/ST District- Gaya

- 1 . KARU SINGH @ RAJAT KUMAR S/O ASHOK SINGH R/O VILLAGE-
HARIO, P.S- MAGADH MEDICAL, DISTT.- GAYA.
2. ASHOK SINGH S/O LATE MAHAVIR SINGH R/O VILLAGE- HARIO,
P.S- MAGADH MEDICAL, DISTT.- GAYA.

... .. Appellant/s

Versus

- 1 . THE STATE OF BIHAR
2. RAJESH KUMAR S/O LATE RAM PRASAD DAS R/O VILLAGE-
VINOBA NAGAR, P.S- MAGADH MEDICAL, DISTT.- GAYA.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Kumar , Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For informant	:	Mr. Rakesh Kumar Sharma, Advocate
		Mr. Ravi Ranjan Kumar , Advocate
		Mr. Amresh Kumar , Advocate
		Mr. Rabindra Kumar , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-05-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 25.05.2024 passed in a case registered for the offence punishable under sections 341, 323, 420, 467, 468 , 471 , 504, 506 and 120 (B) of the Indian Penal Code and sections 3(i)(r) (s)(w) /3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . It is alleged that informant who is purchaser Pursuant to an agreement between the parties paid an advance of



Rs. 38 lakhs to the appellants, 1 lakh in cash and 7 lakh 50 thousand through bank account and 30 lakh through bank draft. It is further alleged that appellants executed a manipulated agreement with their fake Aadhar card number in conspiracy of other accused persons and cheated the informant and his associates to the tune of Rs. 38,50,000/- (thirty eight lack fifty thousand). It is further alleged that these appellants thereafter, refused to execute the sale deed in favour of informant and also refused to return consideration money to informant. Accused persons also abused them by caste name and threatened the victim with dire consequences.

4. It is submitted that specific accusation of receiving the alleged consideration money is against co-accused Harinandan singh and Anurag singh . As per F.I.R., these two co-accused persons, received the alleged amount for sale of land in question and petitioner is only alleged to be present at the time of measurement. Petitioner has not received any money in his account. It is not the case of the informant that any member of public was present at the time of incident, as such no case under SC / ST Act is made out against these appellants.

5 . Learned counsel for the informant and learned special Public Prosecutor for the State opposed the bail appeal.



6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge , SC/St, Gaya , in connection with SC / ST Police Station Case No. 03 of 2024 .

(Prabhat Kumar Singh, J)

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