

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3449 of 2024

Arising Out of PS. Case No.-99 Year-2024 Thana- DAUDPUR District- Saran

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1. Shivkumari Devi @ Shiv Kumari Devi, W/o Budhhram Prasad @ Budhhram Singh @ Vudhram Singh, R/o vill - Ekdengwa, P.S. - Manjhi, Distt. - Saran at Chapra
 2. Budhhram Prasad @ Budhhram Singh @ Vudhram Singh, S/o Late Ram Ayodhya Singh, R/o vill - Ekdengwa, P.S. - Manjhi, Distt. - Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangita Devi, W/o Umesh Ram @ Uma Ram, R/o vill - Goriya Chapra, P.S.- Rivilganj, Distt. - Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dewendra Narayan Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Resp. No.2	:	Mr. Jeetendra Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-11-2025 Heard learned Advocate for the appellants, learned Advocate for respondent no.2 and learned Spl. PP for the State.

2. This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 05.07.2024 passed by the learned SC/ST Exclusive Special Judge, Saran at Chapra in connection with Daudpur P.S. Case No. 99 of 2024 registered for the offences punishable under Sections 323, 420, 467, 468, 471, 504/34 of the Indian



Penal Code and Sections 3(i)(r)(s), 3(2) (va) of the SC/ST Act.

3. Initially a Complaint Case, bearing No. 369 of 2021 was filed, which was subsequently sent to the concerned police station under Section 156(3) of the Cr.P.C. and accordingly, the present F.I.R. has been registered. It is alleged that the informant on persuasion of one Yogendra Singh provided Rs.15,00,000/- in advance for purchase of land. However, the appellants only executed sale deed, pertaining to a land, the cost of which comes to Rs.8,50,000/-. The remaining amount of Rs.6,50,000/- remained due against both the appellants, however, they refused to execute the land against the remaining due amount. The appellants abused and assaulted the informant in public place.

4. Learned Advocate for the appellants submitted that admittedly the appellant no.1 executed an agreement for sale of land in favour of the informant on 22.01.2020 and in pursuant to the terms of the agreement, a sale deed has been executed in favour of the informant; photo copy of the agreement and sale deed have also been placed on record. Despite the fact that the land was executed on 29.02.2020, the Complaint case came to be lodged on 19.07.2021, which was later on sent to the concerned police station and finally the F.I.R. has been



instituted on 03.05.2024. The present case is nothing, but actuated with malafide to wreak vengeance and put pressure, though the informant has a civil remedy available under the law. It is further contended that even if the allegation is taken to be true, besides the same is omnibus in nature, it has not been disclosed that where the occurrence took place and in whose presence, therefore, it does not attract the penal provisions of the SC/ST Act, 1989.

4. On the other hand, learned Spl. P.P. for the State as well as learned Advocate for respondent no.2 vehemently opposed the prayer of the appellants and submitted that there is specific allegation against the appellants that they received Rs.15,00,000/-, but executed a sale deed for a land, valued only for an amount of Rs.8,50,000/- and thereby swindled Rs.6,50,000/-; Besides the fact that they have publicly abused and assaulted the informant.

5. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the genesis of the occurrence, as also the fact that no material is available, which, *prima facie*, attracts the penal provision of SC/ST Act, as also the mandate of the Apex Court in the case of ***Hitesh Verma Vs. State of Uttarakhand & Anr.***, reported in



(2020) 10 SCC 710, this Court deems it fit and proper to allow the present appeal.

6. Let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned SC/ST, Exclusive Special Judge, Saran at Chapra in connection with Daudpur P.S. Case No. 99 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the appellants.

7. The impugned order dated 05.07.2024 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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