

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2882 of 2025**

Arising Out of PS. Case No.-46 Year-2024 Thana- SC/ST District- Muzaffarpur

Santosh Sharma S/o Ram Sevak Thakur @ Ram Sevak Sharma R/o vill -
ward no. 9, Barhetta Gangaram, P.s.- Hathauri, Distt.- Muzaffarpur

... .. Appellant

Versus

1. The State of Bihar
2. Nanki Devi W/o Naresh Ram R/o vill - Bhutane, P.S.- Bochchahan, Distt.-
Muzaffarpur

... .. Respondents

Appearance :

For the Appellant :	Mr. Ravi Ranjan, Advocate
For the Respondent No.1:	Mr. Binay Krishna, APP
For the respondent No. 2 :	Mr. Karandeep Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

- 3 11-09-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as learned Special
Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail vide
order dated 07.05.2025 passed by the learned Special Judge,
SC/ST (POA) Act, Muzaffarpur SC/ST P.S. Case No. 46 of
2024 dated 13.11.2024 registered for the offences punishable
under Section 420, 467, 468, 471 read with Section 34 of the
Indian Penal Code and under Section 3(i)(r)(s) of the SC/ST
(POA) Act.



3. As per the prosecution case, the brief statement of the prosecution is that the informant went to Bochchahan Block to understand some land papers where she met Santosh Sharma and Kunal Kumar. They said that the land mentioned in the paper belongs to Ajit Pandey and he resides besides him and he will give her at a very low price. The next day, the informant was called to the Block and made to meet an unknown person who said that he was Ajit Pandey, he said if you want to get land separately, then give money to both of them as per your convenience, then I will get it. Believing the appellant, the informant paid three lakh rupees. On 13.06.2024, he called her to Muzaffarpur for land registration and in collusion with clerk Anil Jha in the hotel, prepared fake documents and got the registration done by fake Ajit Pandey. After that the appellant, Kunal Kumar and Anil Jha got a stamp and signature done which would be needed while taking out the documents. As soon as real Ajit Pandey came to know about the fake registry, an FIR was lodged. When the police reached the informant's house, it was found that the petitioner had done the fake registration and cheated Rs 3 lakh from her. He also used caste-specific abusive language with the informant.

4. Learned counsel for the appellant has submitted



that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. It is further submitted that while she met the appellant and the co-accused and gave her Rs. 3 lakhs, she has not disclosed the mode of payment and also to whom she has paid. The appellant has five criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 10.04.2025.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 07.05.2025 passed by the learned Special Judge, SC/ST (POA) Act, Muzaffarpur SC/ST P.S. Case No. 46 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/-



(Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act in connection with Muzaffarpur SC/ST P.S. Case No. 46 of 2024. with the condition:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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