

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3949 of 2023

Arising Out of PS. Case No.-62 Year-2023 Thana- SAMASTIPUR District- Samastipur

SIYARAM RAY son of Baleshwar Rai R/o- Bahadurpur W.No-29, Madhuri
Chowk Ps- Town Thana Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Devi wife of Surendra Mahto R/o- Jitwaria Dharampur Kalyanpur
Ps- Kalyanpur Thana, District- Samastipur, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Piyush Kumar Pandey, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-05-2025 Heard Mr.Piyush Kumar Pandey, learned counsel for
the appellant, learned counsel for respondent No.2 and
Mr.Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for anticipatory bail
by order dated 21.07.2023 in A.B.P. No.2250 of 2023 passed by
the learned Special Judge, Samastipur (SC/ST (POA) Act in
connection with Samastipur Town P.S.Case No. 62 of 2023
corresponding to G.R.No.327/2023 registered under Sections
406,420,120B,467,468/34 of the Indian Penal Code as well as
under Sections 3(1)(R)(S)of the Scheduled Castes and



Scheduled Tribes Act.

3. Brief facts of the prosecution case is that on 14.03.2020 at about 10:00 A.M informant was returning her home. Appellant alongwith co-accused Ashok Kumar abused the informant by saying "Bhosri Pasiniya" how dare that she demanded money and asked they will not give money even a single rupee and threatened her to flee away. On raising alarm, people from nearby started gathering then accused persons ran away. Dispute arose between informant and accused persons is that she has purchased 7-Dhur land from appellant Siyaram Ray by registered sale-deed and when she started construction on purchased land, Anchal Aamin prevented her by saying that land purchased by her is actually land for way (Raasta) then informant informed the accused and demanded to refund money and occurrence took place.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR. Learned counsel for the appellant has produced a money receipt of respondent No.2 dated 03.05.2019 which suggests that the respondent No.2 has



received the more consideration amount from the appellant on 03.05.2019 itself and she has also sworn the same on the stamp paper stating therein that she has received the amount from the appellant. Learned counsel for the appellant further submits that in view of the aforesaid, it transpired that the appellant had already returned the more consideration amount to respondent No.2 on 03.05.2019 itself.

5. The learned counsel for respondent No.2 as well as learned Spl.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the appellant and submits that it transpired from the FIR/complaint petition that the appellant has received the amount in question from respondent No.2 as he has not paid the same as yet

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts, appellant has clean antecedent and appellant has produced a money receipt of respondent No.2 dated 03.05.2019 which suggests that the respondent No.2 has received the more consideration amount in question from the appellant in 2019 itself, let the appellant, above named, in the event of his arrest or surrender before the



court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Samastipur (SC/ST (POA) Act in connection with Samastipur Town P.S.Case No. 62 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be



delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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