

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3990 of 2024

Arising Out of PS. Case No.-217 Year-2024 Thana- DIGHA District- Patna

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Raj Kumar Singh Son of Late Shayam Sundar Singh R/o- House No. 249,
Road No. 2B/3C, G.D. Mishra Path, New Patliputra Colony, P.S.- Patliputra,
Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Radha Kumari Wife of Sri Vidhya Sagar Chaudhary Mohalla- Kurji, Infront
of Gate no. 71, P.S.- Digha, Dist.- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajesh Ranjan
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

5 27-03-2025 Heard learned counsel for the appellant and 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 27.07.2024 passed by the learned Exclusive Special
Judge, SC/ST (POA) Act, Patna in Serial No. 150 of 2024
arising out of Digha P.S. Case No. 217 of 2024 dated
09.04.2024 registered for the offence/s punishable u/ss 341, 323,
379, 406, 420, 354, 504 read with section 34 of the Indian Penal
Code and sections 3(1)(r)(s)(w)(i)/ 3(1) (v) of the SC/ST (POA)
Act.



3. As per the prosecution case, the petitioner came to informant and told that both his brothers had made power of attorney of land in his name and the informant made an agreement with petitioner on 18.05.2022 for construction of building and paid Rs. 15 lakhs in different dates to the petitioner. Thereafter, the informant came to know that the brothers of petitioner had not given power of attorney to him and then she asked for her Rs. 15 lakh back and asked to cancel the agreement. Then, the petitioner made an agreement for sale of his share of land in the name of informant and took another Rs. 7 Lakhs. Even after that the petitioner did not make sale deed and mutation and on 05.04.24, the informant and her husband were assaulted and abused by calling the caste indicative words by the petitioner.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is case and counter case between the parties. 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 SC/ST Act. 6. The allegation of payment of



Rs.22,00,000/- is false and fabricated. The appellant has not received any money from the O.P no.2. The O.P no.2 failed to produce any receipt for such payment. There is no reference in the so-called development agreement about payment of any amount. It is highly improbable that a private limited company has paid a sum of Rs.22,00,000/- in cash and that too without any money receipt. That both the Development agreement and agreement for sale are forged and fabricated documents. The appellant has not executed any such documents. That the present case is counter blast of Patliputra P.S. Case No. 935/2023 (F.I.R. No. 5117069230935 dated 23/12/2023), filed by the appellant against the O.P. No. 2 and other persons. It is further submitted that it is a case of civil nature. Learned counsel for the petitioner placed reliance on the judgment in the case of **Bimla Tiwari Vs. State of Bihar and others (Special Leave Petition (CRL.) Nos. 834-835 of 2023)** at para 10, the Hon'ble Apex Court has held that "we would reiterate that the process of criminal law cannot be utilized for arm-twisting and money recovery, particularly while opposing the prayer for bail." The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 19.06.2024.

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 27.07.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Patna in Serial No. 150 of 2024 arising out of Digha P.S. Case No. 217 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 Exclusive Special Judge, SC/ST (POA) Act, Patna in Serial No. 150 of 2024 arising out of Digha P.S. Case No. 217 of 2024.

(Chandra Prakash Singh, J)

guddukr/-

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