

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4085 of 2023

Arising Out of PS. Case No.-403 Year-2016 Thana- COMPLAINT CASE District- Supaul

1. JAVAHAR JHA SON OF JAYAKRISHNA JHA RESIDENT OF VILLAGE - BELLAPATTI, PS- TRIVENIGANJ, DIST- SUPAUL
2. AJAY JHA @ AJAY KUMAR JHA SON OF JAVAHAR JHA RESIDENT OF VILLAGE - BELLAPATTI, PS- TRIVENIGANJ, DIST- SUPAUL

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP
For respondent No. 2 : Mr. Vijay Kumar , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-01-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 31.03.2023 passed in a case registered for the offence punishable under sections 420 and 406 and other allied sections of the Indian Penal Code and sections 3 (v) of the Scheduled Castes and Scheduled Tribes (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . The prosecution case , in brief, is that on 17.02.2014 , these appellants offered to sell land to informant and her husband and accordingly informant paid Rs. 3,15,000/- to these appellants . It is further alleged that upon investigation informant came to know that these appellants sold land to the



informant which was not registered in the name of these appellants. It is further alleged that a panchayat was held in which it was decided that appellants should return the money and provide another land to the but appellants refused to do so and assaulted and abused the informant by caste name .

4. It is submitted that these appellants are innocent and committed no offence as alleged and there is no allegation of any overt act against them. The present case has been lodged only with a view to settle the civil dispute. It is not the case of the prosecution that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . The learned Special public prosecutor for the State and respondent No. 2 vehemently opposed the prayer for bail of these appellants.

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 Additional District
Judge cum Special Judge (SC / ST) Supaul in connection with
Nalsi Complaint Case No. 403 C of 2016.

(Prabhat Kumar Singh, J)

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