

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4560 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- SC/ST District- Purnia

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1. Nirmala Devi @ Nirmal Devi W/O Late Ajay Kumar Gupta R/O Village- Bousi, P.S- Bousi , Distt.- Araria, at present both resident of Janta Chowk, Purnea, P.S- K. Hat, Distt.- Purnea.
 2. Naman Kumar Gupta @ Naman Kumar S/O Late Ajay Kumar Gupta R/O Village- Bousi, P.S- Bousi , Distt.- Araria, at present both resident of Janta Chowk, Purnea, P.S- K. Hat, Distt.- Purnea.

... .. Appellants

Versus

1. The State of Bihar.
2. Vikky Kumar Paswan S/o Late Sunil Paswan, R/o Mohalla- Sipahi Tola, Buxa Ghat Road, P.S- Madhubani, Distt.- Purnea.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Bijendra Kumar Singh, Advocate
For the R. No. 2	:	Mr. Manish Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 17-11-2025

Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. P.P. 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 order dated 04.09.2024 passed by the learned Special Judge, SC & ST Act, Purnea, whereby and whereunder the prayer for anticipatory bail of the appellants was rejected, in connection with Purnea SC/ST P.S. Case No. 56



of 2024, registered for the alleged offences punishable under Sections 384, 420, 465, 468, 409 and 504 read with Section 34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(w) of the Scheduled Castes and Scheduled Tribes (PoA) Act.

3. As per the prosecution case, the appellants entered into an agreement with the complainant/informant for purchase of a piece of land. Though the complainant/informant made the payment of substantial amount, the said land was not transferred in his name and the appellants started demanding rupees five lakhs more for transfer of the land. Lastly, the appellants refused the sale deed and publicly abused and assaulted the complainant/informant and snatched rupees three lakhs cash.

4. The learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in the present case. Learned counsel further submits that the alleged occurrence took place on two different dates, i.e., on 09.05.2023 and on 18.05.2024, but the complaint has been filed on 31.05.2024, an inordinate delay for which there is no explanation. From bare perusal of the contents of the FIR it is clear that there is civil dispute between the parties and the



informant/Respondent No. 2. The occurrence took place at the residential house of the Respondent No. 2 and it is not a public place and no offence under the provisions of SC/ST (PoA) Act is made out against the appellants. The appellants took a loan of rupees one lakh from the informant/Respondent No. 2 and in good faith put their signature on blank stamp paper and also delivered the documents of the piece of land, but the appellants returned the said amount. However, the informant/Respondent No. 2 did not return the documents of the land and the stamp paper to the appellants and converted it into an agreement of sale. He further submits that no offence under Section 384 of the IPC or Section 465 of the IPC or Section 468 of the IPC are made out. Similarly, Section 409 of the IPC is also not applicable. There is no material to show that the appellants intended to cheat the informant/Respondent No. 2 and committed any such act towards them. Learned counsel lastly submits that the appellants are having clean antecedent.

5. Learned Spl. P.P. and learned counsel appearing on behalf of respondent no. 2 vehemently oppose the submissions made on behalf of the appellants. Learned counsel for the informant/Respondent No. 2 submits that appellants took substantial money from the informant/Respondent No. 2 and did



not transfer the land and when the money was demanded back, the informant/Respondent No. 2 was abused and assaulted. The appellants have tried to cheat the informant/Respondent No. 2 of his money.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the predominantly civil nature of dispute and further considering the non-serious nature of injuries and occurrence not taking place in public view, let the appellants above-named, in the event of their arrest or surrender before the Court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC & ST Act, Purnea, in connection with **Purnea SC/ST P.S. Case No. 56 of 2024**, subject to the condition laid down under Section 482(2) of the B.N.S.S. and other other following conditions:

(i) One of the bailors will be a close relative of the appellants.

(ii) The appellants will remain present on each and every date fixed by the learned trial Court, if so required by the learned trial Court.



7. Accordingly, the appeal is allowed and the order dated 04.09.2024 is set aside.

(Arun Kumar Jha, J)

Shahnawaz/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	19.11.2025
Transmission Date	19.11.2025

