

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5128 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- SC/ST District- Siwan

Praveen Singh @ Pravin Singh Son of Late Ram Sagar Singh Resident of
Village - Surwaliya, P.S.- Barhariya , District - Siwan

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rajraniya Devi Wife of Late Kailash Manjhi Resident of Village -
Surwaliya, P.S.- Barhariya , District - Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dharmendra Kumar Singh Mrs. Akrity Aishwarya
For the Informant	:	Ms. Sweta Mr. Pranjal Kumar
For the Respondent/s	:	Mr. Usha Kumari 1

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

ORAL ORDER

2 06-02-2025 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 18.10.2024 passed by the learned Additional
Sessions Judge, 1st cum- Special Judge, SC/ST (POA) Act,
Siwan in SC/ST Siwan P.S. Case No. 75 of 2024 dated
21.08.2024 registered for the offence/s punishable u/ss 420, 467,
468, 471, 504, 506, 328 and 120B read with section 34 of the



Indian Penal Code and sections 3(i)(r)(s)(w)(f)(g) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have took the informant's adopted son, Mukesh Kumar to the registry office and forcibly got executed the informant's land by administering intoxicated substance to him. When the informant went to their house to make complaint, all the accused persons abused her by calling her caste name. It is further alleged that the informant's ancestral land at Kismat Survalia bearing (1) Khata No. 47, Survey No., 2 Area- One Bigha and Nine Dhur, (2) Khata No. 37, Survey No. 27, Area- one Bigha three Khatha two Dhur (3) Khata No. 72, Survey No. 1465, Area- one Katha 12 Dhur, was illegally grabbed by preparing forged document.

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. There is a delay of two years and eight months in lodging the FIR. It is



further submitted that when the appellant and his brother filed Title Suit No. 296 of 2023 then the informant has lodged the present FIR against the appellant and others. It is a case of civil dispute. It is further submitted that the appellant and his elder brother, Subhash Singh has purchased a land from Mukesh Kumar Manjhi, Son of late Kailash Manjhi by registered Sale Deed dated 20.04.2022 vide Deed No. 1987, Serial No. 2051, for consideration amount of Rs. 10,40,000/-(Ten Lacs forty Thousand) in which the co-accused Amrendra Kumar was a witness The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 10.10.2024.

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 18.10.2024 passed by the learned Additional Sessions Judge, 1st cum- Special Judge, SC/ST (POA) Act, Siwan in SC/ST Siwan P.S. Case No. 75 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 Additional Sessions Judge, 1st cum- Special Judge, SC/ST (POA) Act, Siwan in SC/ST Siwan P.S. Case No. 75 of 2024.

(Chandra Prakash Singh, J)

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