

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5720 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- SC/ST District- Bhagalpur

Shashi Bhushan Prasad Son of Sri Bhola Mandal R/o vill - N.H. 80, Near
Durga Mandir, Tilakpur, P.S. - Sultanganj, Distt. - Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Gautam Paswan Son of Sitaram Paswan R/o vill - Maheshi, P.S. -
Sultanganj, Dist.- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Ranjan Kumar Jha, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-07-2025 Heard learned counsel appearing for the appellant and
learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 29.11.2023 passed in a case registered for the offence
punishable under Sections 341, 323, 406, 420, 504 and 506 of
the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for anticipatory bail of this appellant has
been rejected.

4. The prosecution case, in brief, is that informant



had purchased a land from this appellant and after execution of the registered sale deed, informant went for getting the land mutated where he was informed that a title suit bearing Title Suit No. 18 of 2020 is pending with respect to the land in question and therefore, Office of Circle Officer refused to created *Jamabandi*. It is further alleged that when the informant approached the appellant then the appellant abused him by caste slurs.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, informant has paid only Rs. 50,000/- to the petitioner and rest of the consideration money of Rs. 2,75,000/- has yet not been paid even after assurance of the same. Hence, petitioner has filed a title suit bearing Title Suit No. 606 of 2023 for cancellation of the sale deed in question and in retaliation, this false and concocted case has been lodged by the informant. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.



7. Considering the facts and circumstances of the case and case and counter-case between the parties, this appeal is allowed and the impugned order dated 29.11.2023 passed by the learned Additional District and Sessions Judge-III-cum-Special Judge (SC/ST), Bhagalpur in connection with A.B.P. No. 3079 of 2023 arising out of Bhagalpur SC/ST P.S. Case No. 29 of 2023 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, 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) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-III-cum-Special Judge (SC/ST), Bhagalpur in connection with Bhagalpur SC/ST P.S. Case No. 29 of 2023.

(Prabhat Kumar Singh, J)

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