

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1039 of 2022**

Arising Out of PS. Case No.-5 Year-2021 Thana- SC/ST District- Jamui

Suma Devi Wife Of Shankar Ravidas R/O Village- Pathak Chak Maricha,
P.S.- Sikandra, District- Jamui

... .. Appellant/s

Versus

1. The State of Bihar
2. Bijay Mandal Son Of Bisheshwar Mandal R/O Village- Shivdih, P.S.-
Sikandra, District- Jamui

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 19-02-2026 Heard the parties.

2. The present appeal preferred for cancellation of bail as granted to respondent no. 2 namely Bijay Mandal, through impugned order dated 11.02.2022, as passed in SC/ST P.S Case No. 219 of 2021, arising out of Jamui SC/ST P.S Case No. 05 of 2021 from the court of ADJ-I -cum- Spl. Judge, SC/ST Act, Jamui.

3. For better understanding of the factual aspect, it would be apposite to reproduce the impugned order dated 11.02.2022, which is as under:-

“Heard Ld. Counsels for the petitioner namely Vijay Mandal, Informant as well as state.

As per the FIR, prosecution story, in brief, is that the



accused Vijay Mandal and Brijesh Mandal sold a land to the informant and her husband for Rs. 13,75,000/-. Later on it came to light that the said land was already sold to someone else and the earlier purchaser was in possession. When the informant and her husband asked for their money then they were abused and assaulted in full public view.

It has been submitted by the Ld. Counsel for the petitioner that earlier the petitioner was allowed provisional bail as there were negotiations for settlement. The petitioner was ready to pay the amount mentioned in the document but the informant insisted on getting only rupees 13,75,000/-, which is the amount he alleges to have been paid. Therefore the settlement could not take place and the bail bonds of the petitioner were canceled. Later on the petitioner was arrested and he is in custody since 03.02.22. At the time of cancellation of the provisional bail granted to the petitioner, the court had directed that the case will be heard on merits. The petitioner could not know about the cancellation and was finally arrested after the non-bailable warrants were issued by this court. As far as the merits of the case is concerned, it is submitted that the case is of civil nature and only a criminal color is being given to it. It is admitted by the informant that the Jamabandi is running in his name even till today. No civil suit is filed for either declaration of title or getting back the money. This criminal case has been filed only to pressurize the petitioner in paying the money. The allegation under the SC/ST Act are ornamental in nature. There is no injury to anyone. There is no specific allegation of abusing, etc. The allegation of abusing and assault has not been supported by the independent witnesses. The petitioner has only one more case against him, in which he is on bail.

The Ld. P.P, assisted by the Id. Counsel for the informant, opposes the prayer for bail and submits that the petitioner and his brother are the main negotiators. They fully knew that the land has already been sold and then also they cheated the informant. When the informant demanded his money then he was abused and assaulted in a public place. The petitioner earlier became ready to pay the amount but after grant of provisional bail, refused to honour his words. The Id. Counsel further submitted



that in case the petitioner pays the entire Rs. 13,75,000/- then the grievance of the informant will be redressed. Therefore a prayer has been made for refusal of the bail.

In view of the totality of the circumstances, the the allegations if accepted, makes out a case only under section 420 of IPC, which is triable by magistrate and punishable upto 3 years. The petitioner is in custody since 03.02.22. The Jamabandi is still running in the name of the informant. Investigation of the case is over. Considering the aforesaid, the petitioner namely Vijay Mandal, is directed to be released on bail by furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each.

However, it is made clear, that the findings in this order is only for the purpose of bail, the same will not hamper the rights of the parties in any other forum. “

4. Considering the submission, it transpires that the present appeal was preferred for cancellation of aforesaid order for the simple reason that respondent no. 2 failed to pay the amount as agreed while granting provisional bail. It is submitted that the court while dealing bail petition cannot act like a recovery court or to put any onerous conditions amounting to recovery of the disputed amount and moreover, the respondent no. 2 was granted regular bail by the court considering the maximum sentence.

5. Appellant appears aggrieved for the reason as no onerous condition was imposed through impugned order *qua* recovery.



6. Approach of learned trial court is correct as time and again, Hon’ble Supreme Court repeatedly said that onerous condition cannot be imposed while granting bail, recently as available through **Gajanan Dattatray Gore vs. State of Maharastra and Anr.** reported in **2025 SCC OnLine SC 1571.**

7. In view of aforesaid, this Court find no occasion to interfere with impugned order, accordingly, the present appeal stands **dismissed.**

(Chandra Shekhar Jha, J)

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