

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2366 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- SC/ST District- Sitamarhi

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1. LAKHPATI SINGH Son of Late Ramshwarup Singh Resident of Village - Punaura (West), P.S. - Punaura, District - Sitamarhi
 2. Sanjeev Kumar Son of Mr. Lakhpatri Singh Resident of Village - Punaura (West), P.S. - Punaura, District - Sitamarhi
 3. Abhishek Vats @ Abhishek Batsa Son of Mr. Lakhpatri Singh Resident of Village - Punaura (West), P.S. - Punaura, District - Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi Shri Ram Chandar Ram R/O Village-Punaura West, P.S.- Punaura, District-Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Thakur, Adv. Mr. Udbhav, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 02-07-2026 1. Heard learned counsel for the appellants Mr. Ajay Thakur and learned Special P.P. Mr. Binay Krishna and the learned counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 09.03.2021 in A.B.P. No. 470/2021/48/2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Sitamarhi in connection with Sitamarhi



SC/ST P.S. Case No. 06 of 2021 dated 30.01.2021 registered under Sections 341, 323, 354, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) (w) (I), 3(2)(va) of the SC/ST (POA) Act.

3. Learned counsel appearing on behalf of the appellants submits that appellant no.1 and 3 have antecedent of one case and appellant no.2 is a person with clean antecedent and appellant no.1 is a senior citizen aged about 76 years and the informant alleges that appellant no.1 had taken advance of Rs.61,000/- for selling 4 decimal land and thereafter her son Ranjit paid an amount of Rs.3, 80, 000/-, as such the informant along with her sons Ranjit and Shyam Babu came to the house of Lakhpati Singh on 14.01.2021 at 8 A.M for requesting him to execute sale deed, but Madhvi @ Putti, along with Sanjeev and Abhishek started abusing them and appellant no.1 said to urinate in their mouth, on which, Madhvi spat on her face and appellant no.1 pulled her saree, while Sanjeev and Abhishek tore her blouse and accused persons slapped her son and husband and passerby saved them from further assault, thus alleges that appellant no.1 cheated her son. It is next alleged that FIR was delayed on account of panchayati convened.

4. Learned counsel appearing on behalf of the



appellants submits that it is not in dispute that appellant no.1 received an amount of Rs.61,000/- by way of advance from the son of the informant for purchasing land but ultimately in the family a decision was taken not to sell the land as such appellant no.1 was ready to return the amount but then informant was not willing to accept the same, as such the appellants moved this court seeking anticipatory bail by filing the instant criminal appeal. It is submitted that the appeal was taken up by a learned coordinate Bench on 02.12.2021 and a submission was made on behalf of the appellants that they are ready to return the due amount of Rs.3,80,000/- which they had taken for selling 4 decimal land to the informant, the informant also became ready for the settlement, as such this Court recorded in order dated 02.12.2021 that-

“Learned counsel for the appellants submits that the appellants are ready to pay the due amount, i.e., Rs.3,80,000/- to the informant.

Learned counsel for the informant is also ready to withdraw the cases filed in the learned court below, if the due amount, i.e., Rs.3,80,000/- is paid to the informant.

Having considered the facts aforesaid, the appellants are directed to pay Rs.3,80,000/- to the informant within a period of six months from the date of receipt/production of a copy of this order.

In the meantime, no coercive steps shall be taken against the



appellants in connection with Sitamarhi SC/ST P.S. Case No.06 of 2021, pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi.

The appeal is disposed of with the aforesaid direction.

If for any reason, the informant does not withdraw the cases filed in the court below after receiving the admitted amount, as aforesaid, the appellants are at liberty to file application in the present appeal for passing necessary order by this Court.”

5. Learned counsel for the appellants submits that initially before this court, the informant became ready to settle the dispute but after passing of the order dated 02.12.2021 when appellant no.1 approached the informant for returning the amount, the informant refused, as such the appellant no.1 deposited an amount of Rs.3,80,000/- with the District Court vide Cheque no.905046 drawn on State Bank of India, Branch Sitamarhi Bazar as would manifest from order dated 19.05.2022 passed by the learned ADJ-I-cum-Special Judge, in SC/ST Case No.06 of 2021. It is submitted that informant despite being aware that the amount of Rs.3,80,000/- has been deposited with the court, still for reasons best known chose not to withdraw the same.

6. It is next submitted that since informant did not withdraw the amount deposited with the District Court in terms of the order dated 02.12.2021, the appellants apprehended that



they may be arrested, as the case was not withdrawn and 6 months period lapsed, hence in terms of the liberty granted by order dated 02.12.2021 in the instant appeal, the present I.A. No.01 of 2022 has been filed.

7. Learned Special P.P. at this stage submits that once the instant appeal was disposed of by order dated 02.12.2021, the Court became *functus officio* as such no further direction could have been given.

8. Learned counsel appearing on behalf of the informant also concurs with the said submission but then the learned counsel appearing on behalf of the appellants submits that since liberty was granted by this Court hence the instant I.A. application has been filed but then does not dispute the submissions made by the learned Special P.P.

9. Learned Special P.P. further submits that if the informant is not adhering to the condition as recorded in the order dated 02.12.2021, which was a consented order, in that event, the appellants could have moved afresh by filing a fresh anticipatory bail application before the learned District Court, bringing to its notice of the development which took place subsequent to 02.12.2021 and based on the said ground could have prayed for anticipatory bail.



10. At this stage, the learned counsel appearing on behalf of the appellants seeks permission to withdraw the I.A. No.1 of 2022 with liberty to the appellants to move afresh before the learned District Court seeking anticipatory bail based on the subsequent developments which took place after 02.12.2021, as recorded hereinabove.

11. The I.A. No.1 of 2022 is permitted to be withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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