

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3094 of 2024

Arising Out of PS. Case No.-55 Year-2019 Thana- JAMALPUR District- Munger

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Baijnath Tanti SON OF BANGALI TANTI VILLAGE- PASHUPALAN
GALI, CHHOTI DAULATPUR, PS- JAMALPUR, DIST- MUNGER

... .. Appellant/s

Versus

1. The State of Bihar
2. kalyani Devi Wife of Late Indradev Paswan @ Indrasen Paswan Resident of village- Chamangarh, Ps- Nayaram Nagar, Dist- Munger

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shashi Saurabh, Advocate
For the Respondent/s : Mr.Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 13-03-2026 Heard the parties.

2. This appeal is preferred against the order dated 17.05.2024 passed by the learned A.D.J. 1st, Munger in connection with Jamalpur P.S. Case No. 55 of 2019 registered for the offence under Sections 420, 467, 468, 323, 504, 379 of the I.P.C. and Section 3(x) of S.C/S.T. Act by which anticipatory bail filed by the appellant has been rejected.

3. As per the prosecution case, the allegation against the petitioner is that he has accepted Rs. 11 lakhs and no executed the sale deed in favour of the informant who has now died.

4. Learned counsel for the appellant submits that the



appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case. It is next submitted that the appellant is still ready to execute the sale deed if the entire amount of Rs. 21 lakhs as agreed between the parties is given to the appellant. He has also relied upon the judgment of the Hon'ble Supreme Court in the case of **Murari Lal Gupta vs. Gopi Singh** reported in **(2005) 13 SCC 699** and submits that no offence is made out and therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State has opposed the prayer of the appellant.

6. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 17.05.2024 passed by the learned A.D.J. 1st, Munger in connection with Jamalpur P.S. Case No. 55 of 2019, is hereby set aside.

7. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. 1st, Munger /concerned Court below in connection with Jamalpur P.S. Case No. 55 of 2019, subject to



the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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