

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5178 of 2025

Arising Out of PS. Case No.-199 Year-2024 Thana- TURKAULIYA District- East
Champanan

=====

Shivsankar Pal @ Shiv Shankar Prasad @ Shiv Shankar Pal Son of Late
Parmeshwar Prasad Resident of village-Barharwa, P.S.- Turkauliya, District-
East Champanan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sulekha Devi W/O Sri Ashok Ram Resident of village- Jaysinghpur,
Barharwa, P.S.- Turkauliya District- East Champanan.

... .. Respondent/s

=====

Appearance :
For the Appellant/s : Mr. Abhishek Kumar, Adv.
For the Respondent/s : Ms. Usha Kumari 1, S.P.P.
For the Informant : Mr. Prateek Tandon, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 224-04-2026
1. Heard learned counsel for the appellant, learned
Special P.P. and the learned counsel appearing on behalf of the
informant.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for bail by order dated 20.11.2025 passed
by the learned Court of Special Judge, SC/ST, East Champanan,
Motihari, in connection with Turkauliya Case No.199 of 2024,
registered under Sections 341, 323, 308, 504, 420, 467, 379(B),
34 of the Indian Penal Code and Sections 3(i) (r), 3(i)(s) 3(2) of
the Scheduled Castes and Scheduled Tribes Act.

3. Learned counsel for the appellant submits that



appellant is a person with clean antecedent and the informant alleges that appellant approached her for selling is 2 katha land and the consideration fixed was Rs.7,00,000/-, the informant paid an amount of Rs. 6,50,000 to appellant but appellant registered only 3.38 decimal land and said that rest 10 Dhur land shall be registered later and if appellant is not able to register 10 Dhur land then he will return the amount after deducting the price of 3.38 decimal land, it is next alleged that on 15.03.2024, when informant went on her purchased land, the family members of the appellant came and objected saying that informant has re-convey the land to the appellant, accordingly, she went to the Registry Office to inquire when it transpired that appellant got the land re-conveyed by another woman who posed as informant, thus alleges that fraudulently the appellant got the land re-convened and when the informant and her husband confronted the appellant, they were abused by caste name and assaulted.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that a civil dispute has been given criminal colour. It is next submitted that



if what has been alleged by the informant that appellant got the land re-conveyed through another woman who posed herself as informant is a correct fact, in that event, the informant ought to have approached a court of competent civil jurisdiction for getting the said sale deed cancelled.

5. Learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail and submits that no doubt prima facie it appears that the dispute is civil in nature but then it has criminal colour. It is also submitted that had the informant re-conveyed the land to the appellant then obviously the appellant would have ensured that the earlier sale deed executed in favour of the informant is cancelled but then that is not the case of the appellant. It is also submitted that after investigation, charge sheet has been submitted and the case has been found true against the appellant.

6. At this stage, learned counsel appearing on behalf of the appellant submits that if privilege of regular bail is granted, the appellant will not abscond rather will cooperate in the trial to prove his innocence.

7. On query of the Court that as to whether charges have been framed against the appellant or not, the learned counsel appearing on behalf of the appellant fairly submits that



charges have not been framed.

8. After hearing the learned counsel for the parties, the Court is not inclined to release the appellant on bail.

9. The regular bail application of the appellant is rejected.

10. However, appellant would be at liberty to renew his prayer for bail after framing of charge.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

