

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4409 of 2024

Arising Out of PS. Case No.-187 Year-2022 Thana- RAGHUNATHPUR District- Siwan

Abhimanyu Singh Patel @ Abhimanyu Singh @ Abhimanyu Kumar Patel
Son of Kashi Patel Resident of Village- Chakri, Block-Raghunathpur, P.S.
Raghunathpur, District- Siwan (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi Wife of Ramjeet Paswan Resident of Village- Vishunpura,
Block-Raghunathpur, P.S. Raghunathpur, District- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Kumar, Advocate
For the State	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Kanishk Kaustubh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 05-12-2024 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant.

2. The instant appeal has been filed by the appellant
against the order dated 06-09-2024 passed by 1st Additional
Sessions Judge-cum-Special Judge, Siwan whereby the prayer
for bail of the appellant in connection with Raghunathpur P.S.
Case No. 187 of 2022 instituted under Sections 406, 420, 504,
506 & 34 and Sections 3(1)(r) of SC/ST Act was rejected.

3. Prosecution case, in short, is that appellant has not
completed the work related to ‘Nal-Jal’ Scheme in Ward No.-02,



Gram Panchayat Raj- Badua, Block- Raghunathpur, PS- Raghunath, District- Siwan, despite passing of four financial years. It is alleged that appellant made the payment of Rs. 13,83,125/- and despite the same, he did not complete the work and only 20-25% of the assigned work has been completed till date.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Learned counsel for the appellant submits that the present case is related to contract work which has been assigned to the appellant orally and in pursuance thereof the appellant has completed considerable portion of work (80%) and balance (20%) work is still in progress but because of political reasons the balance work could not be completed. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 27-08-2024 and has no criminal antecedent. Learned counsel for the appellant mainly contends that appellant undertakes to complete the balance work of '*Nal-Jal Yojna*' within a period of four months,



if he be enlarged on bail.

5. Learned Special P.P. for the State and the informant have do not opposed the prayer for grant of bail to the appellant as the appellant is undertaking to complete the balance work within a period of four months from the date of release, if he may be granted bail.

6. Considering the aforesaid facts and circumstances of the case, specifically taking into account the undertaking of the appellant to complete the balance work within a period of four months, pertaining to the aforesaid scheme and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is *allowed* and order dated 06-09-2024 passed by 1st Additional Sessions Judge-cum-Special Judge, Siwan is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Raghunathpur P.S. Case No. 187 of 2022, subject to the following conditions:

(I) Appellant shall complete the remaining work of the 'Nal-Jal Yojna' within a period of four months from the date of his release, failing which the informant will be at liberty move



for cancellation of bail of the appellant.

(II) One of the bailors shall be own/close member of the family of the appellant.

(III) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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