

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.906 of 2025

Arising Out of PS. Case No.-240 Year-2024 Thana- NAYAGAON District- Saran

Raju Srivastava @ Raju Kumar Sriwastava @ Raju Kumar Srivastava, Son of Late Sarwanand Prasad Sriwastava @ Sarbanand Srivastava, Resident of Village - Rasulpur, P.S. - Nayagaon, District - Saran. Presently residing at House No.354, N.D. Bhawan, Housing Colony, Prabhunath Nagar, P.S. - Chapara, Mufassil, District - Saran (Chapra)

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhupendra Kumar (Complainant/informant) Son of Late Singhasan Chaudhary, Resident of Village - Nayagaon, P.S. - Nayagaon, District - Saran (Chapra)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arun Kumar Rai, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For Respondent No. 2	:	Mr. Dhananjay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

- 3 12-11-2025 Heard learned counsel for the appellant, learned Spl. Public Prosecutor appearing on behalf of the State and learned counsel for the Respondent No. 2.

2. This appeal has been filed against the order dated 27.01.2025 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with A.B.P. No. 17 of 2025, arising out of Nayagaon P.S. Case No. 240 of 2024, registered under Sections 341, 323, 406, 420/34 of the Indian Penal Code and Sections 3(1)(r)(s)(w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the



prayer for anticipatory bail of appellant has been rejected.

3. It is alleged that this appellant in connivance with others took Rs. 6 lacs from the informant in the name of giving a land having 16 dhur to him and did not execute the sale deed in his favour. When the informant demanded his money, the appellant transferred Rs. 2 lacs in the account of informant. It is further alleged that on 31.03.2023, informant went to the house of accused persons and demanded his remaining money but the accused persons refused to return the same and started abusing and assaulting the informant.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case due to malafide intention. Further submission is that the complainant/informant had taken Rs. 2 lacs from the appellant and on demand, he has lodged the complaint case. It is submitted that the complainant/informant has given some amount to other co-accused persons and the appellant has no concern with the same. From perusal of the complaint case, no case under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent and he undertakes to co-operate in the investigation and trial. There is no chance of absconding of the appellant or tampering with the evidence.



5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 oppose the bail application.

6. Considering the aforesaid facts and circumstances of the case and the submissions advanced on behalf of the parties, let the appellant, as named above, in the event of arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with A.B.P. No. 17 of 2025, arising out of Nayagaon P.S. Case No. 240 of 2024.

7. Accordingly, the impugned order dated 27.01.2025 is set aside and this criminal appeal is allowed.

(Sunil Dutta Mishra, J)

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