

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2145 of 2025**

Arising Out of PS. Case No.-54 Year-2024 Thana- Cyber P.S. District- Madhepura

Prashant Kumar S/O Manohar Yadav @ Bharat Yadav R/O Vill.- Sukhasan,
Ward no. 10 P.s.- Gwalpara, Dist.- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dayanand Paswan S/O Late Karpuri Paswan R/O Vill.- Birgaun, Ward no. 5,
P.s.- Gwalpara, Dist.- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Uday Chand Prasad, Advocate Mr. Manoj Kumar, Advocate Ms. Pooja Prasad, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Pravin Kumar Agrawal, Advocate

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

ORAL ORDER

3 11-09-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 17.04.2025 passed by Learned Additional Sessions Judge 1st-cum-Special Judge SC/ST Act, Madhepura whereby the prayer for bail of the appellant in connection with Madhepura Cyber P.S. Case No. 54 of 2024 under Sections 303(2), 318(4), 352, 351(2), 3 of the Bharatiya Nyaya Sanhita, 2023, Section 66(D) and 66(D) of SC/ST Act was rejected.

3. Prosecution case, in short, is that the appellant fraudulently took Rs. 3,24,400/- from informant's account.



When informant confronted the appellant, he used caste based slurs and assaulted the informant.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that the appellant has not committed any offence rather the allegation levelled against the appellant is general and omnibus in nature. It is next submitted that the appellant is ready to pay Rs. 1,50,000/- to the informant in installments. 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 05.01.2025 and has got one criminal antecedent.

5. Learned Special P.P. has vehemently opposed the prayer for grant of bail to the appellant. However, learned counsel for the informant raised no objection as the appellant is ready to return the aforesaid amount.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the



appellant, as also the appellant being ready to return the aforesaid amount this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 17.04.2025 passed by Learned Additional Sessions Judge 1st-cum-Special Judge SC/ST Act, Madhepura is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madhepura Cyber P.S. Case No. 54 of 2024, subject to the following conditions:

(I) The appellant shall deposit the aforesaid amount i.e. Rs. 1,50,000/- to the bank account of the informant, out of which Rs. 50,000/- shall be deposited at the time of furnishing bail bonds of the appellant and rest of the amount i.e. Rs. 1,00,000/- shall be paid in four equal monthly installments (Rs. 25,000/- each), within four months from the date of his release on bail.

(II) If the appellant fails to deposit the equal monthly installments, consecutively two months, the trial Court shall have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

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