

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2480 of 2025**

Arising Out of PS. Case No.-9 Year-2025 Thana- SC/ST District- Siwan

Parash Nath Yadav @ Parash Yadav S/o- Late Bishwanath Yadav Village-
Nagai , P.S-Chainpur , Dist -Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikki Kumar Ram S/o- Yogendra Ram Village -Hathopur , P.S- Duraundha ,
District -Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Ms. Anuradha Kumari, Advocate

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

ORAL ORDER

4 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 23.05.2025 passed by Learned First
Additional Sessions Court-cum-Special Judge, Siwan whereby
the prayer for bail of the appellant in connection with Siwan
SC/ST P.S. Case No. 09 of 2025 under Sections 126(2), 115(2),
318(4), 352 of the Bharatiya Nyaya Sanhita, 2023, read with
Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that informant paid
Rs. 9,75,600 to the appellant for bricks, later on delivery was



denied by the appellant and the appellant gave a cheque to the informant which was also dishonoured. It is further alleged that when the informant demanded money, the appellant used caste based slurs and threatened him.

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 no such transaction ever took place. It is next submitted that the appellant has lost his cheque book on 10.02.2023 and has also submitted an information before the Station House Officer, Chainpur Police Station on 19.02.2023. 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 13.04.2025 and has got three criminal antecedents in which he is on bail.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances



of the case 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 23.05.2025 passed by Learned First Additional Sessions Court-cum-Special Judge, Siwan is hereby set aside.

7. Let the appellant be released on bail *after framing of charge, if not already framed* 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 Siwan SC/ST P.S. Case No. 09 of 2025, subject to the following conditions:

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

(II) 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)

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