

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2588 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- SC/ST District- Bhojpur

Sarthak Kumar Son of Shree Awadh Kishore Prasad Resident of Village -Nehru Nagar (Shiv Ganj) Arah, Police Station- Nawada Gautam tola, Arah, Dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Birendra Ram Son of Lal Babu Ram Resident of Club Rod (BDO Block), Besides of Parvati Chandra Hotel, Orthopaedic clinic, Ps- Nawada Arrah, Dist- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Kumar Singh, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
		Mr. Manoj Kumar, Adv.for Resp.-2

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-09-2025 Heard learned counsel for the appellant, learned Special P.P. for of the State and learned counsel appearing on behalf of respondent no. 2.

2. This appeal has been filed against order dated 20.05.2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur, Ara in a case registered under Sections 126(2), 115(2), 352, 316(2), 318(4), 338, 336(3), 3(5) of B.N.S., 2023 and Section 3(i)(r)(s) of the SC/ST Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per FIR, informant and his son and daughter had opened a small savings account in Central Cooperative



Bank, Ara and deposited total Rs. 49,30,000/- in 16 months and 05 days through the co-accused Awadh Kishore Prasad @ Vidyarthi Ji, who was agent in the bank, and when informant went to withdraw money from his account, all the accused persons, named in the F.I.R., abused informant by caste name, threatened him to implicate in a false case and also threatened to kill him.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in this case merely because he happens to be son of co-accused Awadh Kishore Prasad @ Vidyarthi Ji and there is absolutely no allegation that he played any role in the alleged occurrence or transaction of money. He further submits that it is not the case of the informant that at the time of alleged occurrence, any public was present and as such, no case under the SC/ST Act is made out. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor and learned counsel for the informant/respondent no. 2 vehemently opposed the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 20.05.2025 is, hereby, set aside and this criminal appeal is allowed.



7. Let the appellant, as named above, in the event of arrest or surrender within a period of eight weeks from today, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur, Ara in connection with SC/ST (K) P.S. Case No. 8 of 2025.

(Prabhat Kumar Singh, J)

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