

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3389 of 2025

Arising Out of PS. Case No.-6 Year-2025 Thana- SC/ST District- Siwan

Subhash Chandravanshi @ Subhash Chandra @ Subhash Chandra Bosh @ Gard Saab, S/o Late Rajo Prasad @ Ramkeshwar Ram @ Manik Chandra Pasi, resident of Village-Saguni, P.S.-Masaudhi, Dist-Patna, P/A Nadwa Station se 50 Mtr. Paschim P.S.- Dhanarua, Dist- Patna

... .. Appellant

Versus

1. The State of Bihar
2. Krishna Kumar Ram, S/o Vijay Ram, resident of Village-Safichhapra, P.O. & P.S.- Barhariya, Dist- Siwan

... .. Respondents

Appearance :

For the Appellant	:	Mr. Ravi Shankar Pathak, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr. Amit Kumar Anand, Advocate
		Ms. Bharti Kumari, Advocate
		Mr. Ravindra Kumar Ravi, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 01-12-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State duly assisted by learned counsel appearing for the informant.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short ‘the Act’) for setting aside the impugned order dated 31.07.2025 passed by the learned District and Additional Sessions Judge-1st-cum-Special Court, Siwan in connection with Special Case



No. 100 of 2025 arising out of SC/ST Siwan P.S. Case No.6 of 2025 registered for the offences punishable under Sections 341, 323, 420, 467, 468, 471, 120-B read with 34 of the Indian Penal Code (in short 'IPC') as well as Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Accused/appellant is named in the FIR and is in custody since 17.07.2025.

5. Allegation against the appellant is to cheat the informant on false pretext of providing job in Patna High Court for which informant alleged to pay about Rs.6 lakhs.

6. It is submitted by learned counsel appearing for the appellant that entire thrust of allegation is available against co-accused Avdhes Kumar @ Avdhes Singh @ Kaka Ji and on his instruction only, the amount of Rs.1,83,000/- was transferred to the account of this petitioner and for said reason only, he was implicated with present case. It is submitted that amount as received by this petitioner found to be deposited by several other persons and



it is not the informant only who deposited with petitioner. It is pointed out that petitioner was also engaged in placement service and, therefore, out of professional charge/service charge, the services rendered by the petitioner and his office, the aforesaid amount was deposited by the informant. It is further submitted by learned counsel that the FIR categorically suggest that informant was in relation with appellant much prior to the occurrence and merely some monetary dispute surfaced between them, the present implication was raised. It is pointed out that nothing surfaced out of facial perusal of FIR and during investigation, which may suggest that act of appellant can be said an atrocities within the meaning of Act as to cause present occurrence. It is submitted by learned counsel that allegation appears to be related with year 2023 but, FIR in issue was lodged in the year, 2025. Even, last payment was made in January, 2024. While concluding argument, it is submitted that investigation of this case has been completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.



7. While explaining criminal antecedents, it is submitted that the appellant found involved in one more criminal case of similar nature. Learned counsel for the appellant made a statement at bar that appellant is ready to return back the amount of Rs.1,83,000/- to the informant at the time of furnishing of bail bond.

8. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh vs. Parasram @ Purushottam*** as reported in ***[2015 (153)AIC 276]***.

9. Mrs. Usha Kumari 1, learned Special Public Prosecutor duly assisted by Mr. Amit Kumar Anand, learned counsel appearing for the informant while opposing the prayer for bail as raised through present appeal submitted that the appellant has received amount on different occasions from informant and others but, it is fairly conceded that except informant, no complaint was raised by other persons.

10. In view of aforesaid facts and circumstances and by taking note of nature of accusation and also delay to



lodge FIR, coupled with the fact that charge-sheet has already submitted, where appellant is in custody since 17.07.2025, accordingly, the appellant, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-1st-cum-Special Judge, Siwan in connection with Special Case No. 100 of 2025 arising out of SC/ST Siwan P.S. Case No.6 of 2025, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (in short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') and with further conditions that:-

- (i) That appellant shall pay Rs.1,83,000/- to the informant through bank draft in view of his statement at the time of furnishing of bail bond, failing which, the learned trial court is directed as not to accept bail bond of appellant;
- (ii) That appellant shall not indulge in similar nature of offence till conclusion of trial, failing which the informant/State may press petition before learned trial court itself for cancellation of bail bond of the appellant.



11. Accordingly, the impugned order dated 31.07.2025 passed by the learned District and Additional Sessions Judge-1st-cum-Special Court, Siwan in connection with Special Case No. 100 of 2025 arising out of SC/ST Siwan P.S. Case No.6 of 2025 is set aside.

12. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

