

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5477 of 2023

Arising Out of PS. Case No.-523 Year-2023 Thana- WARISLIGANJ District- Nawada

Shyam Kishore Singh @ Kishor Singh SON OF LATE RAMAVTAR SINGH
RESIDENT OF VILLAGE- GADUA (GARUA), POLICE STATION-
WARISALIGANJ, DISTRICT- NAWADA

... .. Appellant/s

Versus

1. The State of Bihar
2. BAITARNI DEVI WIFE OF AJAY MANJHI RESIDENT OF VILLAGE-
BALLOPUR, POLICE STATION- WARISALIGANJ, DISTRICT-
NAWADA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Deepak Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP
For the Respondent No.2:	:	Mr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-05-2025 Heard Mr. Deepak Kumar, learned counsel for the

appellant, learned counsel for the Respondent No.2 as well as

Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
04.11.2023 passed by the learned Exclusive Special Judge
SC/ST (PoA) Act, Nawada passed in A.B.P. No.-2978 of 2023 in
connection with Warisaliganj P.S. Case No. 523 of 2023, F.I.R.
dated 14.10.2023 registered under Sections 344, 368, 384, 386
of the Indian Penal Code and Sections 3(2)(v) of the Scheduled
Castes and Scheduled Tribes Act.



3. According to the prosecution case, the informant alleged that the appellant had taken her husband forcefully and demanded Rs. One Lakh to set free her husband.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. The appellant is a contractor and husband of informant was working with him and in the year 2020, husband of informant had taken loan of Rs. 1,85,000(Rupees One Lakh Eighty Five Thousand) from the appellant but he has failed to return the same and when the appellant mounted pressure upon the husband of the informant, then on 03.10.2023 the husband of the informant sent Rs. 10,000/-(Rupees Ten Thousand) and on 04.10.2023, Rs.43,000(Rupees Forty Three Thousand) through UPI and thereafter the informant had lodged present false case with a view to put pressure upon the appellant so that he may not ask for return his money as Rs. 1,32,000(Rupees One Lakh Thirty Two Thousand) is still with the husband of the informant and there is delay in lodging the present First Information Report inasmuch as the occurrence has taken place on 29.09.2023 and the First Information Report has been lodged on 14.10.2023 i.e. after 15 days without giving any reason for delay and it appears



from the FIR that no offence under the provisions of SC/ST Act is made out.

5. Learned Special Public Prosecutor for the State and learned counsel for Respondent No.2 have vehemently opposed the prayer for bail of the appellant.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts and circumstances, appellant has clean antecedent and no offence under the provisions of SC/ST Act is made out against the appellant, let the appellant, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST (PoA) Act, Nawada passed in A.B.P. No.-2978 of 2023 in connection with Warisaliganj P.S. Case No. 523 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-



i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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