

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5699 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- SC/ST District- Sitamarhi

RAJESH KUMAR JHA SON OF VIRENDRA JHA RESIDENT OF
VILLAGE- KANSARA, PS- SURSAND, DIST- SITAMARHI AT PRESENT
RESIDENT OF VILLAGE- YUGAL KISHOR SINGH, MAHAVIDYALAYA
TENANTS OF TS SINGH'S HOUSE ADJACENT TO PRATAP NAGAR
COLLEGE GATE, PS- SITAMARHI, DISTT- SITAMARHI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MONU KUMAR NA RESIDENT OF VILLAGE- AMANPUR, PS-
CHORAUT, DISTT- SITAMARHI

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Santosh Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	Mr. Uday Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 10-07-2025 Heard learned counsel appearing for the appellant,

learned Spl.P.P. appearing on behalf of the State and learned

counsel appearing on behalf of the informant.

2. This appeal has been filed for setting aside order dated 28.11.2023 passed in a case registered for the offence punishable under Sections 420, 406, 341, 323, 354, 354A, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of this appellant has been rejected.

3. As per prosecution case, it is alleged that this



appellant borrowed a sum of Rs. 6,00,000/- from the informant and after some time, when the informant demanded his money, all the accused persons named in the F.I.R., including this appellant, abused informant by caste slurs and refused to return the money.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, during pendency of this case, good sense prevailed between the parties and the dispute has already been settled and a joint affidavit to that effect has also been filed on behalf of the parties. In Paragraph No. 2 of the said affidavit it is stated that admittedly, appellant had taken a sum of Rs. 5,80,000/- from the informant/Respondent No. 2 through bank account out of which a sum of Rs. 50,000/- has already been refunded and rest of the amount of Rs. 5,30,000/- of the informant/Respondent No. 2 is due against the appellant. It is further submitted that appellant is ready to refund the said due amount in easy installments of Rs. 20,000/- per month and proposal of payment has already been accepted by the informant/Respondent No. 2 and pursuant thereto, the joint affidavit has been filed.

5. Learned counsel appearing on behalf of the



informant/Respondent No. 2 does not dispute the contentions raised on behalf of the appellant and confirms the fact regarding compromise between the parties.

6. Considering the facts and circumstances of the case, nature of accusation and compromise between the parties, this appeal is allowed and the impugned order dated 28.11.2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Sitamarhi in connection with A.B.P. No. 77 of 2023 arising out of Sitaramrhi SC/ST P.S. Case No. 24 of 2023 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 (POA) Act, Sitamarhi in connection with Sitaramrhi SC/ST P.S. Case No. 24 of 2023 with the following conditions:-

- A. Appellant shall pay the remaining amount of Rs. 5,30,000/- (Five lakhs thirty thousand rupees) to the informant/Respondent No. 2 in regular monthly installments of Rs. 20,000/- (Twenty thousand rupees) per month.
- B. If petitioner fails to comply the aforesaid



direction of this Court, the learned Trial Court is free to cancel the bail-bond of the petitioner.

(Prabhat Kumar Singh, J)

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