

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.89 of 2025

Arising Out of PS. Case No.-56 Year-2024 Thana- BHAGWANPUR District- Begusarai

Raushan kumar Son of Harivansh Mahto village- Atarua Chakdad, Ps-
Bhagwanpur (Teyay Op), Dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Navneet Kumar, Son of Bala Paswan village- Pakthaul, Ps- Teghra, Dist- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ram Sumiran Rai
For the Respondent/s	:	Mr. Sadanand Paswan- Spl.P.P. Ms. Bipin Kumar Ms. Sarita Kumari Ms. Vanshika Nupur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 27-11-2025 1. Heard learned counsel for the appellant, the learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the informant.
2. The learned counsel for the appellant submits that there is a delay of 52 days in filing the appeal for which I.A. No.01 of 2025 has been filed seeking condonation of delay in filing the appeal.
3. In view of the grounds taken in I. A. No.01 of 2025, the delay in filing the appeal is condoned.
4. The I.A. No.01 of 2025 is allowed.
5. The learned counsel for the appellant submits that



inadvertently at Para-3, it has been pleaded that appellant is a person with clean antecedent when he has antecedent of one case.

6. The appellant has challenged the order dated 01.08.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with ABA No.1474 of 2024 arising out of Bhagwanpur (Tiyay O.P.) P. S. Case No.56 of 2024, instituted for the offences under Sections 419, 420, 504 and 506 of the Indian Penal Code and Section 3(1)(r) (s), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby his prayer for grant of anticipatory bail has been rejected.

7. The learned counsel appearing on behalf of the appellant submits that appellant has antecedent of one case and informant alleges that he along with Aman Kumar and Anupam Kumari desired to get admitted in GNM Course in some good institute, but were admitted in an inferior institute and Rs.1,80,000/- was taken by Raushan (appellant). Further, the informant realized the same on 31.12.2023 and thus refused to appear in the examination and asked the appellant to return the amount but appellant refused and abused at Bengaluru, but again on 04.02.2024, they went to the house of Raushan at



Begusarai for getting their money back but appellant abused and ousted.

8. The learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that appellant alleges that he along with two persons intended to get admitted in a good institute where GNM course is taught, but it is alleged that they were admitted in an inferior institute, as such, were not keen on taking the examination and hence asked the informant to return the admission amount on which it is alleged that they were abused at Benguluru and thereafter again at Begusarai at the home of the appellant.

9. It is submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the instant FIR has been instituted only with a view to coerce the appellant into submission, so that he under fear of arrest returned the amount which was already paid to the institute in lieu of fee for admission of the informant and two others. It is also submitted that even presuming what has been alleged is true without admitting, then the entire occurrence is alleged to have taken place at the house of the appellant and thus was not in public



view.

10. The learned Special P. P. as well as the learned counsel appearing on behalf of the informant opposes the bail application.

11. Regard being had to the aforesaid submissions, the order dated 01.08.2024 is set-aside.

12. The appeal stands allowed.

13. The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with ABA No.1474 of 2024 arising out of Bhagwanpur (Tiyay O.P.) P. S. Case No.56 of 2024, subject to the conditions laid down under Section 482(2) of the B.N.S.

(Satyavrat Verma, J)

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