

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.188 of 2026

Arising Out of PS. Case No.-54 Year-2025 Thana- SC/ST District- Patna

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Krishna Dayal Prasad @ Krishna Dayal, S/o Late Vishnu Dayal Prasad @ Late Bishnu Dayal Singh @ Late Vishnu Dayal Singh, Resident of village - Chitkohra Basti, Bishnupuri, Back side of Chitkohra Masjid, Anishabad, P.S.- Gardanibagh, Distt.- Patna, Presently resides at Chitkohra, P.S.- Gardanibagh, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Minta Devi, W/o Arun Kumar Choudhri, R/o village - Mahavir Colony, Chandrakala Apartment, Flat no. 203, P.O.- Anishabad, P.S.- Beur, Distt.- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Rajiv Ranjan Kumar Pandey, Advocate
For the State	:	Mr.Sadanand Paswan, Spl.P.P.
For Respondent 2	:	Mr. Akshay Kumar, Advocate
		Mr. Kamlesh Kumar Pathak, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 17-07-2026

Heard learned counsel for the appellant, learned Special PP for the State and learned counsel for the respondent no.2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by order dated 17.11.2025 passed by the Exclusive Special Judge, SC/ST Act, Patna in SC/ST P.S.Case No. 54 of 2025, registered under Sections 126(2), 115(2),



351(3), 352, 303(2), 316(2), 318(4), 3(5) of BNS and Sections 3(1) (r) (s)/ 3 (2) (va) of the SC/ST Act.

3. As per prosecution case, the appellant allowed the informant/respondent no.2 herein to construct a shop on his vacant land and rent was fixed at Rs. 3,000/-per month as per oral agreement between the father of the appellant and the respondent no.2. The informant spent Rs.3 lacs on construction of the shop. Subsequently, the appellant let out the shop to some other person and misappropriated articles worth Rs. 5 lacs which the informant kept in her shop. When the informant went to make query, she was driven out by the appellant abusing her by taking her caste name.

4. The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The informant has made false averment in the FIR about there being an oral agreement between the father of the appellant and the respondent no.2. Rather the father of the appellant and the informant executed a rent lease deed on 20.08.2011 with certain terms and conditions for 11 months and the informant continued as a tenant for some more years and subsequently, she vacated the shop of her own. The father of the appellant died on 14.08.2018, still he has been made accused in



this case. It shows the informant has not been knowing about the present status of the appellant or his family. The learned counsel further submits that the appellant has been working in Air India as a Maintenance Engineer and after the death of his father, he returned to Patna to look after his mother. After the informant vacated the shop, the shop remained vacant for a quite long time due to the fact that corona pandemic intervened. Thereafter, the appellant carried out some repairs and expansion of shop and entered into a new rent lease deed with one Dev Kumar on 24.01.2024, who has been running shop since the date of agreement. The FIR instituted by the informant is nothing but a mode to blackmail the appellant for extracting money and she has lodged the FIR one and half month after the alleged occurrence. From the FIR, it is also apparent that there is no application of any of the provisions of the SC/ST Act. The dispute appears to be civil in nature. The appellant being a law abiding, educated and a simple person, cannot think of violating the provisions of law. The learned counsel also submits that the appellant is having clean antecedent.

5. The learned Special PP as well as learned counsel appearing on behalf of the respondent no.2 oppose the submission made on behalf of the appellant. The learned



counsel for the respondent no.2 submits that the informant/respondent no.2 had been continuing in the shop when the appellant dispossessed her and misappropriated the articles kept in the shop. The learned counsel further submits that the respondent no.2 does not want anything except return of the articles taken by the appellant and also the money which she spent on improving the infrastructure.

6. Perused the records.

7. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the civil nature of dispute and doubtful nature of allegation and *prima facie* absence of any cogent materials against the appellant to make out a case under the provisions of SC/ST Act and further considering the clean antecedent of the appellant, let the appellant above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Patna in connection with SC/ST P.S. Case No. 54 of 2025, subject to the condition as laid down under Section 482(2) of BNSS and other following conditions:



- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below, if so required by the learned trial court.

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

V.K.Pandey/-

(Arun Kumar Jha, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2026
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