

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.817 of 2025

Arising Out of PS. Case No.-166 Year-2024 Thana- RASULPUR District- Saran

Kishwanath Singh S/o- Baikunthnath Singh R/v- Nawada Ps- Rasulpur Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Ram S/o- Ragho Ram R/v- Ekma Ps- Ekma Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Sanjeet Kumar Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	Mr. Ram Chandra Singh, Advocate
		Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-04-2026 Heard learned counsel appearing for the appellant, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 17.01.2025/18.01.2025 passed in a case registered for the offence punishable under Sections 126(2), 115(2), 318(4), 351(2), 352 and 3(5) of the B.N.S. and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of this appellant has been rejected.

3. As per prosecution case, informant alleged that on



the pretext of providing a job, this appellant took Rs. 5,00,000/- from him but neither gave any job nor returned the money. It is further alleged that when the informant/Respondent No. 2 demanded his money back, this appellant abused him with caste based slurs, threatened him and also assaulted him.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. The present F.I.R. has been lodged after inordinate delay of 12 years. The alleged incident took place in the year 2012 whereas the present F.I.R. has been lodged on 20.09.2024 and there is no plausible explanation for the gross delay. As a matter of fact, for the same set of occurrence, the informant/Respondent No. 2 has lodged a complaint case bearing Complaint Case No. 2352 of 2024 under Section 138 of the Negotiable Instruments Act, which was dismissed vide order dated 30.11.2024 passed by the learned J.M.F.C., Saran at Chapra. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

5. Learned Spl. P.P. appearing for the respondent-State



and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the facts and circumstances of the case, nature of accusation and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 17.01.2025/18.01.2025 passed by the learned Special Judge, SC/ST (POA) Act, Saran in connection with A.B.P. No. 4511 of 2024 arising out of Rasulpur P.S. Case No. 166 of 2024 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 Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Rasulpur P.S. Case No. 166 of 2024.

(Prabhat Kumar Singh, J)

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