

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5682 of 2024

Arising Out of PS. Case No.-63 Year-2020 Thana- KASMA District- Aurangabad

Prince Kumar S/o- Ajay Singh Village-Jalwaiya PS- Kaler Distt- Arwal

... .. Appellant

Versus

1. The State of Bihar
2. Umesh Das S/o- Late Surdeo Das Village- Khairi Itwan Ps- Kasma Dist- Aurangabad

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Sameer Darshan, Advocate
For the Respondent/s	:	Mrs. Usha Kumari-1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-02-2026 Heard learned counsel for the appellant and learned Special P.P. for the State.

2. The appellant, in the present case, is seeking setting aside of the order dated 25.10.2024 passed by learned Additional District & Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Aurangabad in connection with Kasma P.S. Case No. 63 of 2020 registered for the offence under Sections 341/323/504/506/420 of the Indian Penal Code and Section 3(i) (r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The appellant is in custody since 27.09.2024, he has got six criminal antecedents and in all these cases he is on bail.

3. As per the prosecution story, this appellant has



forged himself as a recovery agent and had taken away the tractor of the informant on which the informant had admittedly taken financial assistance from M/s. Tata Motor Company. It is alleged that when the informant went to the house of this appellant to enquire about the tractor then the appellant is alleged to have abused him by taking his caste name.

4. It appears that the appellant was granted bail by this Court vide order dated 26.10.2021 in connection with the present case in Cr. Appeal (SJ) No. 3563 of 2021. In the said order, this Court has recorded that in the supplementary affidavit filed on behalf of the appellant, the appellant has stated that after lodgment of this case, he had been taken on remand in three other cases but in the case diary there was no criminal antecedent of the appellant.

5. While granting bail to the appellant, this Court has imposed one of the following conditions:-

"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."



6. It appears on perusal of order dated 26.10.2021 that this Court has taken notice of the allegations against the appellant. The allegation is that this appellant had forged himself as a recovery agent and had taken away the tractor of the informant on which the informant had admittedly taken financial assistance from M/s. Tata Motors Company.

7. It was submitted on behalf of the learned Special Public Prosecutor for the State that the appellant had hurled abuses in the caste name, however, this Court noticed the nature of the transactions, the huge delay of over one year two months in lodging of the FIR from the alleged date of occurrence and that the appellant had already remained in jail for over three months and granted him bail.

8. At this stage, it appears from the impugned order passed by the learned trial court that the learned court has refused to enlarge the appellant on bail as it was found after verification of the bail bond that the appellant had two criminal antecedents being Kachhwa P.S. Case No. 104 of 2021 and Sigodi P.S. Case No. 104 of 2021, but the police had reported that the appellant had no criminal history vide paragraph '20' of the case diary and the local P.S. also reported that the appellant had no criminal history. Keeping in view the condition imposed



by this Court in its order dated 26.10.2021, the learned trial court refused to release the appellant on bail who had been taken into custody since 27.09.2021.

9. Learned Special Public Prosecutor for the State does not dispute that the appellant had filed a supplementary affidavit in Criminal Appeal (SJ) No. 3563 of 2021, in which he had disclosed that after lodgement of the case, the appellant has been taken on remand in three other cases but in the case diary, there is no criminal antecedent of the appellant.

10. In the considered opinion of this Court, the appellant who had already been granted bail but has been taken into custody after cancellation of his bail bond deserves his release on submission of fresh bail bond. In paragraph '3' of the present appeal, he has declared that he is on bail in Sigodi P.S. Case No. 104 of 2021. He has also declared his six criminal antecedents. In the circumstances, this Court sets-aside the impugned order and directs release of the appellant above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge SC/ST (POA) Act, Aurangabad in connection with Kasma P.S. Case No. 63 of



2020, subject to the conditions as laid down under Section 480
(3) of Bhartiya Nagarik Suraksha Sanhita.

11. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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