

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4794 of 2025

Arising Out of PS. Case No.-151 Year-2025 Thana- MOHAMMADPUR District- Gopalganj

Prabhakar Singh S/O Late Hareram Singh R/O Vill.- Katalpur, P.S.-
Baikunthpur, Distt.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lallan Ram S/O Late Jinath Ram R/O Village- Singhwalia, P.S.-
Mahmadpur, Distt.- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dewanand Tiwari, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, SPP
For the Respondent No.2:	:	Mr. Pankaj Kumar Dubey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-06-2026 Heard Mr. Dewanand Tiwari, learned counsel for the

appellant, Mr. Udhesya Kr. Yadav, learned counsel appearing

on behalf of the Respondent No. 2 as well as Ms. Usha Kumari

1, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 14.11.2025
passed by the learned Court of District & Additional Sessions
Judge XI-cum-Special Judge, (SC/ST), Gopalganj in connection
with Mohammadpur P.S. Case No. 151 of 2025, F.I.R. dated
28.03.2025 registered under Sections 318(4) and 308(2) of the
BNS, 2023 and Sections 3(1) (r), 3 (1) (s) of the Scheduled
Castes and Scheduled Tribes Act (Prevention of Atrocities) Act.



3. According to the prosecution case, the petitioner took the consideration amount of Rs. 8,50,000/- from the Respondent No. 2 but neither executed the sale deed in favour of him nor returned the said amount.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that earlier the appellant has been granted provisional bail in this case vide order dated 03.02.2026 for a period of three months to settle the dispute with Respondent No. 2 and the matter was referred to the Mediation Center. But despite the appellant's best efforts, mediation could not be succeeded and it has been failed. He further submits that it appears from the FIR that the present matter is purely a civil matter. Learned counsel further submits that he has filed supplementary affidavit stating therein that the appellant has surrendered in the present case after expiry of the provisional bail on 20.06.2026. Apart from that, the appellant has stated in the paragraph no. 8 of the supplementary affidavit that on different dates he has paid Rs. 2,11,000/- (Two lakhs and eleven thousand) to the Respondent No. 2 and his wife. He further submits that as per instruction, the appellant has received total Rs. 4,50,000/- (Four lakhs and fifty thousand) from the



Respondent No. 2 and now he is ready to return the same within a period of two months.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant on the ground that the appellant carries six criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances of the case, let the appellant, above named, be released 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 Court of District & Additional Sessions Judge XI-cum-Special Judge, (SC/ST), Gopalganj in connection with Mohammadpur P.S. Case No. 151 of 2025, with other following conditions:-

i. Appellant shall furnish a demand draft of Rs. 4,50,000/- (Four lakhs and fifty thousand) in favour of the Respondent No. 2 within a period of two months. And if the appellant fails to comply with the aforesaid order within the stipulated time then the Respondent No. 2 has liberty to move before the appropriate forum for cancellation of the bail bond of the appellant. And rest of the amount will be the outcome of the



present case.

ii. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

iii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. 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 have 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.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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