

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.668 of 2016

Arising Out of PS.Case No. -129 Year- 2016 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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Kamlesh Dubey son of Chandradeo Dubey Resident of Village- Narayanpur, P.S.-
Bagaha (Patkhoul), District- West Champaran.

The State of Bihar

Versus

.... Appellant

.... Respondent

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Appearance :

For the Appellant/s : Mr. Milind Kumar Mishra, Advocate
For the Respondent/s : Mr. Zeyaul Hoda, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 06-10-2016

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This appeal under Section 14-A(2) of the
Scheduled Castes and the Scheduled Tribes (Prevention of
Atrocities) Act, 1989 has been filed against the order dated
01.06.216 passed by the learned 1st Additional Sessions Judge,
Bagaha, West Champaran in Bail Petition No. 144(B) of 2016/
Registration No. 843 of 2016 whereby the bail application of the
appellant in connection with Bagaha (Patkhoul) P. S. Case No. 129
of 2016 registered under Sections 406, 420, 465 and 468 of the
Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and

the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been rejected.

3. It is contended by the learned counsel for the appellant that the allegation of calling the informant of the case by his caste name would come under Section 3(1)(s) and not under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 after the Amendment Act, 2015 came into force with effect from 26.01.2016. It is contended that the allegations made in the FIR are false and fabricated. The appellant has been remanded in the present on 04.05.2016 and the investigation of the case has already been completed. It is further contended that the appellant having got roots in the society, is not likely to abscond or tamper with the evidence in case of his release on bail.

4. On the other hand, learned Special Public Prosecutor for the State has opposed the application for grant of bail to the appellant. He has submitted that there is neither any illegality nor infirmity in the impugned order passed by the court below.

5. Regard being had to the nature of the offence and the period undergone in custody, the impugned order dated 01.06.2016 passed by the learned 1st Additional Sessions Judge,

Bagaha, West Champaran in Bail Petition No. 144(B) of 2016 is set aside. The appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bagaha, West Champaran in connection with Bagaha (Patkhoul) P. S. Case No. 129 of 2016.

6. The appeal stands allowed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	
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