

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.454 of 2019

Arising Out of PS. Case No.-88 Year-2018 Thana- SC/ST District- East Champaran

Vijay Prasad Chaurasia, aged about 26 yrs., Gender-Male, Son of- Bikarma Chaurasia @ Bikarma Bhagat, Resident of village- Manikpur Hasuaha (Manikpur Sareya), P.S. Harsidhi, District, East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 11-02-2019 Heard learned counsel for the parties.

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 bail by order dated 16.01.2019 passed by the 1st Additional Distt. And Sessions Judge-cum-Special Judge SC/ST (POA) Act, East Champaran, Motihari in connection with Motihari (SC/ST) P.S. Case No.88/2018 registered under Sections 341, 323, 406, 504, 34 of the Indian Penal Code and Sections 3(1)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant in her written complaint has alleged that appellant is ward member of his Panchayat and appointment on



the post of Anganwari Sahayika was being made and he took Rs.80,000/- from his husband for getting her appointed on the said post but some another lady was appointed and when she went to take money, he refused and also abused her by her caste name and assaulted her.

It has been submitted on behalf of the appellant that he is innocent and has falsely been implicated in this case due to personal grudge and dispute with the husband of the informant. The allegations of taking Rs.80,000/- for appointment is false and without any basis and appointment is made by Aam Sabha by the Mahila Supervisor. Appellant has no criminal antecedent and he is in custody since 15.12.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

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

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

(S. Kumar, J)

Sanjay/-

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