

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1075 of 2019**

Arising Out of PS. Case No.-175 Year-2011 Thana- MUFFASIL District- West Champaran

DINESH MAHTO Son of Paltan Mahto @ Gopal Yadav Resident of Village-
Purbi Kargahiya (I.T.I.), P.S-Bettiah Muffasil, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

7 24-07-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 21.01.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, West Champaran, Bettiah in Sessions Trial No. 434 of 2013 arising out of Bettiah Muffasil P.S. Case No. 175 of 2011 registered under Sections 323, 341 and 504/34 of the Indian Penal Code and Sections 3(1)(x) of the SC/ST Act.

It is a case of misuse of privilege of bail.



It is submitted by learned counsel for the appellant that the appellant was earlier on bail, but as no summon after commitment of the case was served on the appellant, he could not learn about pendency of the case against him and consequently he could not turn up before the Court, consequently his bail bond was cancelled on 15.05.2013. He has been remanded in the case on 25.10.2018 and since then he has been languishing in custody. He has been sufficiently punished for his default.

Having regard to the facts and circumstances of the case, the above named appellant is directed to 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 the learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, West Champaran, Bettiah in connection with Sessions Trial No. 434 of 2013 arising out of Bettiah Muffasil P.S. Case No. 175 of 2011 with condition that the appellant shall remain present in the court below on each and every date fixed in the case and on his failure on two consecutive dates without assigning any sufficient and genuine ground to the satisfaction of the learned court below, his bail bond shall stand cancelled.

Accordingly, the impugned order is set aside and



appeal is allowed.

(Prakash Chandra Jaiswal, J)

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