

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1224 of 2019**

Arising Out of PS. Case No.-735 Year-2012 Thana- BETTIAH CITY District- West
Champaran

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Upendra Sharma Son of Kailash Sharma, Resident of Village- Paroraha, P.S.-
Lauriya, District West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra

For the Respondent/s : Mr.Renu Kumari

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

ORAL JUDGMENT

Date : 23-05-2019

Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 13.02.2019 passed by learned Special Judge, Bettiah, West
Champaran in Sessions Trial No. 590 of 2013 arising out of
Bettiah Town P.S. Case No. 735 of 2012 registered under
Sections 302, 201, 376(g) and 201(B)/34 of the Indian Penal
Code and Sections 3(i-xi, (i-xii)(2-v) of the SC/ST Act.

It is a case of misuse of privilege of bail.
Appellant was earlier on bail but his bail bond was cancelled on



20.04.2016 and he was apprehended on 28.01.2019 in execution of the process issued under Section 82/83 Cr.P.C.

It is submitted by learned counsel for the appellant that the appellant was earlier on bail. He happens to be labourer. He had gone to Nainital in connection with his livelihood entrusting his learned counsel to take necessary step in the case on his behalf but his learned counsel failed to take necessary step in the case and also did not inform the appellant about the case. Hence in absence of the appellant his bail bond was cancelled. On learning the fate of the case, when he regressed to his native village, he was apprehended by the police on 28.01.2019 and since then he has been languishing in custody without any fault of his own. Appellant has not intentionally and deliberately misused the privilege of bail.

Learned Spl. PP for the State opposed the prayer for bail.

In 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 Addl. District Judge-I cum Special Judge, Bettiah, West Champaran in connection with Sessions Trial No. 590 of 2013



arising out of Bettiah Town P.S. Case No. 735 of 2012 with condition that the appellant shall remain present before the court on each and every date as and when required by the Court and in case of failure on two consecutive dates without assigning any sufficient and genuine ground to the satisfaction of the learned Trial Court, his bail bond shall stand cancelled.

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

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
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