

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1798 of 2019

Arising Out of PS. Case No.-148 Year-2014 Thana- BAGHA District- West Champaran

1. JANGALI KUSHWAHA Son of Late Ganesh Kushwaha Resident of Village - Chakhani, P.S.- Bagaha, Distt - West Champaran.
2. Ramu Kushwaha Son of Jangali Kushwaha Resident of Village - Chakhani, P.S.- Bagaha, Distt - West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 28-06-2019 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 25.03.2019 passed by learned 1st Addl. District & Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Bagaha P.S. Case No. 148 of 2014 registered under Sections 341, 447, 323, 379 & 504/34 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



It is a case of misuse of privilege of bail.

It is submitted by learned counsel for the appellants that earlier the appellants were on bail but their bail bonds were cancelled on 12.06.2018. Appellants had no knowledge of cancellation of their bail bonds as they happen to be labourer and had gone outside of the State to earn their livelihood entrusting the case to their learned counsel who left the pairvi in the case and did not inform them about the fate of the case. Hence, in absence of the appellants their bail bonds were cancelled. When they regressed to their house later on they were apprehended by the police and have been languishing in custody since then i.e. on 15.03.2019. There has been no intentional and deliberate laches on the part of the appellants. The appellants have been sufficiently punished for their fault.

Per contra, learned Spl. P.P. for the State opposed the bail petition.

Considering the facts aforesaid, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District & Sessions Judge cum Special Judge, West Champaran at Bettiah in Trial No.47 of 2017, arising out



of Bagaha P.S. Case No. 148 of 2014 with condition that the appellants shall remain present before the learned Court below on each and every date fixed in the case and in case of failure on two consecutive dates without assigning any sufficient and genuine ground to the satisfaction of the learned Trial Court, their bail bond shall stand cancelled.

(Prakash Chandra Jaiswal, J)

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