

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.961 of 2020**

Arising Out of PS. Case No.-2 Year-2020 Thana- KHODAWANDPUR District- Begusarai

MITHILESH KUMAR MISHRA @ MITHILESH MISHRA S/O Late Dukha
Mishra @ Dukh Haran Mishra, Resident of Village - Biduliya, P.S. -
Khodawandpur, Dist. - Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shubhesh Pandey, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 01-06-2020 The matter has been taken up through Video Conferencing.

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 19.02.2020 passed by the learned Special Judge S.C./S.T. (POA) Act, Begusarai in connection with Khodawandpur P.S. Case No. 02 of 2020 registered under Sections 341, 323, 504, 354(B), 427, 379/34 of the Indian Penal Code as well as Section 3(r)(s) of the SC/ST Act.

The offences of the Indian Penal Code alleged against the appellants are mostly bailable except ornamental allegation



of theft etc. Appellant has stated on oath that he has got no criminal antecedent. Appellant is in custody since 06.02.2020. Investigation of the case is already complete against the appellant.

Considering the entire facts aforesaid, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) 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, subject to the following conditions:-

(a) The appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The appellant shall not leave the country without permission of the learned trial court.

If the appellant would not be able in furnishing sureties due to lockdown, he shall be provisionally released on his personal bond and the provisional bail shall be confirmed only after production of the bailors within fifteen days of restoration of normal function of the Court.



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

(Birendra Kumar, J)

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