

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1823 of 2020

Arising Out of PS. Case No.-68 Year-2014 Thana- SC/ST District- Bhagalpur

PIYUSH PATRAKAR @ PIYUSH PAYODHI Son of - Late Kishore Kumar
Srivastava Resident of M. N. Das Lane, Jogsar, P.S.- Adampur, District-
Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mohit Shriwastava, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-12-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State, through video
conferencing.

The instant appeal has been filed by the appellant
against the order dated 27.8.2020 passed by the learned
Additional Sessions Judge III-cum-Special Judge, SC/ST Act,
Bhagalpur, whereby the prayer for bail of the appellant in
connection with Bhagalpur SC/ST P.S. Case No. 68 of 2014
registered under sections 387, 120-B, 504, 506 and 34 of the
Indian Penal Code and section 3(1)(x) of the SC and ST
Prevention of Atrocities Act, was rejected.

As per allegation in the FIR, it is stated by the
informant that she was handed over a letter by the peon of the



school which contained objectionable material. It is further stated that on 30.9.2014 the appellant herein, who happens to be a journalist, let the informant's colleague read the said letter and threatened the informant that he would print the letter in the newspaper or else she should give her house in Patna to one Shakti Prasad Srivastava. It was further stated that he further made a demand of Rs. 50,000/-.

It is submitted by learned counsel for the appellant that from the material that has come in course of investigation, the alleged letter is stated to have been written by one Nilam Bhuwaniya, Secretary of a student organization. It is submitted that the appellant has no concern with any of the parties and allegations made in the FIR are incorrect. It is submitted that the petitioner has no criminal antecedent and is in custody since 24.7.2020. The investigation in the case with respect to him has concluded.

The appeal is opposed by learned Spl. P.P. appearing for the State, who submits that not only there is direct allegation against the appellant but in a case of the year 2014, the appellant continued to abscond for nearly six years.

Having heard learned counsel for the parties and taking into consideration the period in custody, the Court is



inclined to allow the instant appeal. The appeal is allowed and the order dated 27.8.2020 impugned herein is set aside.

The appellant is directed to be enlarged on bail in connection with Bhagalpur SC/ST P.S. Case No. 68 of 2014 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge III-cum-Special Judge, SC/ST Act, Bhagalpur.

In view of the fact that the case was registered in the year 2014 and the appellant continued to remain at large for nearly six years, it is directed that the appellant shall co-operate with the trial at every stage, and in case, learned trial court is of the opinion that at any stage the trial is being delayed for reason of non-cooperation of the appellant, the learned trial court shall cancel the bail bond of the appellant and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

sushma/-

U		T	
---	--	---	--

