

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.5510 of 2019**

Arising Out of PS. Case No.-14 Year-2018 Thana- BHABHU(KAIMUR) COMPLAIN C  
District- Kaimur (Bhabua)

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MAHENDRA UPADHYAY Son of Late Ashdeo Upadhyay Resident of  
Village - Vaina, P.S.- Kudra, Distt - Kaimur at Bhabua.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Kamta Prasad Nirala S/o Late Khobhari Ram R/o vill.-Vainna, P.S.-Kudra,  
District-Kaimur, at present Middle School Teacher, Vainna.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Rajani Kant Pandey, Advocate.

For the Respondent/s : Mr.Usha Kumari 1, Spl. PP.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      03-02-2020                      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 against the refusal of prayer for bail vide order dated 13.11.2019 passed by the learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge, Kaimur at Bhabua in SC/ST Reg. No. 114 of 2018, arising out of Complaint Case No. 14 of 2018 registered under Sections 384, 353, 323 and 504 of the Indian Penal Code and Sections 3(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that both sides are neighbour and there is dispute of use of passage and in that background concocted



complaint case has been filed against the appellant. Appellant has got no criminal antecedent and is in custody since 13.11.2019.

Considering the submission aforesaid, let the appellant, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) 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.

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

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

**(Birendra Kumar, J)**

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