

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1222 of 2021**

Arising Out of PS. Case No.-384 Year-2020 Thana- MADHEPURA District- Madhepura

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RUPESH KUMAR MALAKAR @ RUPESH MALAKAR @ RAJESH KUMAR Son of Chandeshwari Malakar Resident of Chitti, Ward No. 2, P.S.- Gheladh, District - Madhepura (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Sanjeet Kumar, Adv
For the State	:	Mr.Sadanand Paswan, APP
For the Informant	:	Mr. Dr.Sanjay Kumar Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 17-04-2021 Let the defects be removed within two weeks of the

start of the physical Court.

Heard the parties in virtual Court.

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 by order dated 26.08.2020 in Special SC/ST Case No.51 of 2020 arising out of Madhepura (Ghailarh) P.S.Case No.384 of 2020 passed by the learned Additional Sessions Judge-I-cum-Special Judge (S.C./S.T. Act), Madhepura, registered under Sections 341,342,323,324,307,379,420,504,34 of the Indian Penal Code, and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



The office reports that this appeal is barred by limitation and the limitation expired on 24.11.2020.

The appellant has challenged the order of refusal of bail dated 26.08.2020 passed in Madhepura (Ghailarh) P.S. Case No.384 of 2020. Evidently, the limitation expired during Corona Pandemic and the case is covered by the judgment of Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) No.03 of 2020.

Hence, the delay in filing of this appeal is condoned.

Allegation against the appellant is that he gave a blow with dagger at the head of the informant. The Doctor had found three injuries caused by dagger. There is case and counter case. Appellant is in custody since 21.05.2020. Investigation of the case is already complete.

Learned counsel for the informant as well as State opposed the prayer for bail.

Considering the nature of allegation and period already undergone by the appellant, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) 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 condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellant shall fully cooperate with the investigation/trial of the case and also the appellant shall not leave the country without permission of the learned Trial Court, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

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