

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1549 of 2020**

Arising Out of PS. Case No.-17 Year-2019 Thana- SC/ST District- Samastipur

MD. ZAMIRUDDIN @ MD. JAMIRUDIN @ MD JAMRUDIN S/o
Kutubuddin @ Md. Kutubudin Resident of Village-Bikrampur Bande, P.S.-
Muffasil, District-Samastipur.

... .. Appellant

Versus

1. THE STATE OF BIHAR
2. Leela Devi W/o Julius Ram Resident of Village-Bikrampur Bande, P.S.-
Muffasil, District-Samastipur.

... .. Respondents

Appearance :

For the Appellant : Mr. Deepak Kumar, Advocate
For the Respondent No.2: Mr. Rana Sanjay Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

6 22-12-2021 The appellant has preferred this appeal under Section 14A of the SC/ST (Prevention of Atrocities) Amendment Act, 2015, against the order dated 05.06.2020 passed in SC/ST P.S. Case No. 17 of 2019 by the learned Special Judge, SC/ST Act, Samastipur, whereby appellant's prayer for regular bail in connection with the aforesaid case, registered for the offence punishable under Section 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015, Sections 323/34, 341, 354, 420, 504, 506 of the Indian Penal Code and Section 138 of the N.I. Act, has been rejected.

The matter was earlier taken up on 21.10.2020, when
the following order was passed : -



“Heard Mrs. Nivedita Nirvikar, learned counsel appearing on behalf of the appellant and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

Issue notice to the respondent No.2, both by registered post as well as under ordinary process, for which requisites etc. must be filed within four weeks.

The fact regarding pendency of the present appeal may be communicated by the appellant/his pairvikar or his learned counsel to the informant through whatsapp message.

Learned counsel appearing on behalf of the appellant has argued, on instructions, that the amount said to have been deposited in the account of the appellant by the informant shall be repayed to the informant in phased manner and by way of first installment a sum of Rs. seven lac shall be deposited in the account of the informant within two weeks from the date of his release, if he is directed to be released on provisional bail during the pendency of this appeal. Rest of the amount shall be paid to the informant within six months.

Considering the above



submission, as an interim measure, it is directed that let the petitioner be released on provisional bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each, to the satisfaction of learned Special Judge, SC/ST Act, Samastipur, in SC/ST P.S. Case No. 17 of 2019.

Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below



through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.”

This is to be noted that the appellant had filed a supplementary affidavit on 15.10.2020 before passing of the order of this Court dated 21.10.2020.

The undertaking given by the appellant, as recorded in order dated 21.10.2020, has, admittedly, not been honoured by the appellant.

It is the prosecution's case that the appellant and the other persons named in the First Information Report had received a total sum of Rs.23 lakh, which was deposited in the account of the appellant through cheque in consideration of sale of his house. It is an admitted fact that the appellant has refused to execute the sale deed. It is the appellant's case, as stated in the supplementary affidavit, that certain amount was refunded to the informant in cash.

Be that as it may, considering the nature of accusation against the appellant, materials available on record and his conduct of not honouring the undertaking given to this Court, as



recorded in the order dated 21.10.2020, considering which he was allowed provisional bail, I am of the view that the impugned order passed by the Court below does not require any interference.

This appeal is accordingly dismissed. Consequently, the bail bonds furnished by the appellant upon grant of provision bail stand cancelled.

(Chakradhari Sharan Singh, J)

Pawan/-

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

