

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3487 of 2021

Arising Out of PS. Case No.-272 Year-2019 Thana- MASHRAK District- Saran

AMIT ABHINANDAN S/o- Uma Shankar Mishra R/o Village- Harpur
Tegrahi, P.S.- Mahmadpur, District- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rama Kant Sharma, Sr. Adv. Mr.Chandra Shekhar Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-12-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

This is an appeal under section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 03.08.2021 passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Mashrak P.S. Case No.272/2019, registered under sections 406, 420 IPC and section 3(1)(r)(w) SC and ST (Prevention of Atrocities) Act.

The crux of the prosecution case is that an embezzlement is said to have done by the accused persons and the informant



has been abused by caste name.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. From bare perusal of the FIR, it is apparent that no specific allegation to abuse the informant is against the appellant. The specific allegation is against the co-accused Mithilesh Tiwari. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. Appellant is the owner of Namah Shiway Traders and there is no specific overt act against him. The appellant is languishing in custody since 10.07.2021 and has one criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Having heard the submissions of the parties, I am of the considered view that no SC/ST Act is made out against the appellant, as such, no notice is required to be sent to the informant.

Considering the same, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned learned 1st



Additional Sessions Judge -cum- Special Judge, SC/ST (POA)
Act, Saran at Chapra, in connection with Mashrak P.S. Case
No.272/2019 with the following conditions:-

(1) One of the bailors will be own close relative of the appellant who will give on affidavit genealogy as to how he is relative to appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The appellant shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by learned court concerned.

(4) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The appellant shall appear before the Police Station



of his local area in the first week of each month till the disposal
of the present case.

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

(Anjani Kumar Sharan, J)

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