

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2081 of 2020**

Arising Out of PS. Case No.-385 Year-2018 Thana- BIKRAM District- Patna

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OM PRAKASH PANDEY S/o Bholanath Pandey R/o village, P.O., and P.S.-
Bikram, Near Bikram Block, District- Patna.

... .. Appellant.

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Prabhat Kumar Dipak, Advocate.
For the State	:	Mr. A.M.P. Mehta, A.P.P.
For the Informant	:	Mr. Amrit Kumar, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 05-03-2021 Heard learned counsel for the appellant and the

learned Additional Public Prosecutor for the State as also the

learned counsel for the informant.

This appeal under Section 14 A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989, is directed against the impugned order dated 18.09.2020
passed by the Special Judge, SC/ST, Patna, rejecting the prayer
of the appellant to grant him bail in connection with Special
Case No.658 of 2018, arising out of Bikram P.S. Case No.385 of
2018, registered under Sections 467, 468, 471, 420, 406, 504
and 506 of the Indian Penal Code besides Sections 3(1)(r)(s) of
the SC/ST (Prevention of Atrocities) Act.

Learned counsel for the appellant submits that in



this case, earlier, the appellant was allowed the provisional pre-arrest bail by a Bench of this Court vide order dated 21.08.2019 passed in Criminal Appeal (SJ) No.1215 of 2019 on undertaking of the appellant that the amount of Rs.5,38,000/- as taken from the informant by the appellant, will be paid by the appellant in ten equal installments of Rs.53,800/- each commencing from 15th September, 2019. Thereafter, the appellant paid five equal installments of Rs.53,800/- to the informant but, unfortunately, he could not furnish the bail bond before the court below in the light of the aforesaid order dated 21.08.2019 and also further could not pay the rest five equal installments of Rs.53,880/- to the informant due to COVID-19 and, subsequently, the appellant was apprehended by the police on 01.09.2020. Thereafter, the prayer of the appellant for grant of bail was rejected through the impugned order dated 18.09.2020 due to non compliance of the observation of the aforesaid order made by a Bench of this Court. The appellant is ready to pay the remaining amount in five equal installments within five months from today. The appellant is in custody since 01.09.2020.

Having considered the facts and the circumstances of the case and undertaking given by the learned counsel for the appellant in court today, the impugned order dated 18.09.2020 is



set aside and this appeal is allowed. The appellant, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, SC/ST, Patna, in connection with Special Case No.658 of 2018, arising out of Bikram P.S. Case No.385 of 2018, subject to the condition that the appellant will pay the remaining amount to the informant in five installments within five months from today. If the appellant fails to do so, the informant will be at liberty to file an application before the concerned court below for cancellation of the bail of the appellant.

(Rajendra Kumar Mishra, J)

P.S./-

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