

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.216 of 2021**

Arising Out of PS. Case No.-15 Year-2014 Thana- SC/ST District- Begusarai

KAMLESH KUMAR Son of Late Kailash Mahton Resident of Village-  
Temuha, P.S.- Mansurchak, Distt- Begusarai.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

**Appearance :**

For the Appellant/s : Mr.Arjun Prasad, Advocate

For the Respondent/s : Mr.Binay Kumar No. 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

3      17-03-2021                      Heard learned counsel for the appellant and learned  
Spl.P.P. for the State.

The appellant in the present case is seeking set-aside of the order 06.03.2020 passed by learned Special Judge, SC/ST Prevention of Atrocities) Act, Begusarai in SC/ST P.S. Case No. 15 of 2014 registered for the offences under Section 147, 148, 149, 341, 323, 504, 506, 448, 354, 376/511 of the Indian Penal Code and Section 3(i)(x)(xi) of SC/ST (POA) Act, whereby and whereunder the prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that as per the prosecution story on the alleged date of occurrence when the informant was at her house in the evening the accused persons named in the FIR including the appellant entered in her house, assaulted her and abused her in her caste name and also misbehaved with her.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present



case. The appellant is the neighbour of the informant and there are land disputes between the parties and there is delay of six days in lodging of the FIR. It is further submitted that other accused persons have been allowed anticipatory bail from the learned court below itself. The appellant is in custody since 31.01.2020 and up till now charge has not been framed against him.

Learned Spl.P.P. has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case, wherein there is a case and counter case between the parties, it is submitted that the other co-accused have been granted privilege of anticipatory bail in A.B.A. No. 608 of 2014 on 09.07.2014 itself, this appellant being in custody for last more than one year but till date the charge has not been framed against him, let the impugned order be set-aside.

Let the appellant above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Prevention of Atrocities) Act, Begusarai , in connection with SC/ST P.S. Case No. 15 of 2014, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The appeal stands disposed of.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

