

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4098 of 2021

Arising Out of PS. Case No.-214 Year-2017 Thana- BIHAR District- Nalanda

Md. Chhotu Son of Late Kamal Resident of Village - Chainpura, P.S. - Bihar,
District - Nalanda (Bihar)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Kishor Prasad, Adv.
For the Respondent/s : Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-12-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 15.06.2021 passed by learned Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 214 of 2017 registered under Sections 323, 341, 504, 506, 386, 34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is that he along with other accused persons came and put his pistol on the temples of the informant and snatched golden locket, cash Rs. 1500/-,



Adhar card, voter card, D.L and cloths.

It is submitted by learned counsel for the appellant that appellant is innocent and have been falsely implicated in this case. He submits that allegation levelled against the appellant is not specific rather general and omnibus in nature. He submits that the police after investigation submitted the charge-sheet under Section 392 of the Indian Penal Code. He submits that no incriminating article has been recovered from the possession of the appellant. He further submits that appellant bears six criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 05.01.2021.

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

Considering the facts and circumstances of the case and the period of custody, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 214 of 2017, subject to the conditions:

(1) that one of the bailors will be a close relative of the appellant, who will give an affidavit giving genealogy as to



who he is related with the appellant. He will also undertake to inform the court if there is any change in the address of the appellant.

(II) that the appellant will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the appellant will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the appellant is implicated 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 proceeding for cancellation of bail on the ground of misuse.

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

(Anjani Kumar Sharan, J)

devendra/-

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

