

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.646 of 2021

Arising Out of PS. Case No.-38 Year-2016 Thana- SC/ST BETTIAH District- West
Champaran

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Uday Jaiswal @ Uday Prasad Jaishwal, Son Of Late Surendra Jaiswal @
Surendra Prasad Jaiswal R/O Village- Gaunaha, P.S.- Gaunaha, District- West
Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma

For the Respondent/s : Mr. Special P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2021 Heard learned Advocate for the appellant and

learned Special Public Prosecutor for the State.

The appellant has challenged the order dated
19.08.2020 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, SC/ST Act, West
Champaran at Bettiah in connection with Bettiah SC/ST
P. S. Case No.38 of 2016, instituted for the offences
under Sections 341, 323, 504 of the Indian Penal Code
and Section 3(1)(g)(r) of the Scheduled Castes &
Scheduled Tribes (Prevention of Atrocities) Act, 1989,
whereby their prayer for grant of anticipatory bail has
been rejected.



The learned counsel for the appellant, at the outset, submits that the appellant is person with clean antecedents and from bare perusal of the allegation as alleged in the F.I.R., it is manifest that the allegations are civil in nature and the appellant has been falsely implicated in this case with a view to coerce him into submission.

Learned counsel for the appellant further submits that the civil dispute has been given a colour of criminal case and at the same time, certain provisions of the SC/ST (P.O.A.) Act has been alleged, so that the privilege of anticipatory bail is not maintainable. The learned counsel for the appellant submits that prima facie from bare perusal of the allegation as alleged in the F.I.R., no offence under the SC/ST (P.O.A.) Act is made out.

Learned Special P.P. submits that since cognizance has been taken in the case as such, for the present the anticipatory bail in view of Section 18 of the SC/ST (P.O.A.) Act is not maintainable.

Considering the fact that cognizance has been



taken, this Court is not inclined to grant the privilege of anticipatory bail to the appellant.

At this stage, the learned counsel for the appellant submitted that the parties on account of intervention of the well-wishers have compromised the case. As such, rejecting the bail on technical ground would not suffice the cause of justice.

The learned Special P.P. submits that he will have no objection in the event the appellant surrenders in the Court below.

The learned Court below is directed to verify as to whether the informant and appellant have entered into a compromise or not. The Court in view of the cognizance taken prima facie was not inclined to grant anticipatory bail to the appellant, but in view of the submission made by the learned counsel for the appellant that compromise has been entered into between the parties. Thus, the Court directs the appellant to surrender in the Court below on 16.11.2021, on which date, the appellant shall be released on provisional bail for a period of one month and the Court



below shall simultaneously issue notice to the informant and after appearance of the informant, if the learned Court below comes to a conclusion that the parties have compromised the case, then in that event, the provisional bail granted to the appellant shall be confirmed.

With the aforesaid observation/ direction, this appeal stands disposed off.

(Satyavrat Verma, J)

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