

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4245 of 2021**

Arising Out of PS. Case No.-29 Year-2021 Thana- SC/ST District- Lakhisarai

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Dharmendra Kumar @ Dharmendra Mandal, Son of Kedar Mandal, R/O
Village- Mapsoni, P.S.- Kajra, District- Lakhisarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Vikram Singh, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 29-10-2021 Heard learned counsel for the appellant and the
learned Special P.P. for the State.

The appellant has preferred the present appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for regular bail, vide order dated 21.09.2021 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Lakhisarai, in connection with Lakhisarai (SC/ST) P.S. Case No.29 of 2021, instituted for the offence under Sections 341, 323, 325, 504/34 of the I.P.C.,and Sections 3(i)(r)(s) of the SC/ST Act and also for setting aside the aforesaid order dated 21.09.2021.

There is an allegation that the appellant has assaulted the informant and used abusive language. The informant, as per



the allegation, has suffered a fracture.

Counsel for the appellant submits that the informant, in fact, was indulging in sale of illicit liquor, which was objected by one and all and in the process, he has sustained the injury. The appellant having no criminal antecedent is, in fact, a student pursuing his career and he has falsely been implicated. Marks-sheet of the Bihar School Examination Board in respect of the appellant and certificates of educational testimonials have been annexed as Annexure 3. It is submitted that the appellant is in his early twenties and is liable to suffer immense loss in terms of career prospect. The appellant is stated to be in custody since 01.09.2021.

Learned Special P.P. has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Lakhisarai, in connection with Lakhisarai (SC/ST) P.S. Case No.29 of 2021, subject to the following conditions:



(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor 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 date and if he fail to do so on two consecutive dates, his bail bond will be liable to be cancelled.

In the result, the appeal is allowed and the impugned order dated 21.09.2021 is set aside.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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