

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5902 of 2019**

Arising Out of PS. Case No.-71 Year-2018 Thana- SC/ST District- Kaimur (Bhabua)

KANCHAN LAL Son of Murat Lal Resident of Village - Akauni, P.S.-
Chand, District- Kaimur

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Vijay Ram Son of Baiju Ram Resident of Village - Raghuvirgarh, P.S.-
Chainpur, District- Kaimur (Bhabua).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Chandra Mohan Jha, Advocate
For the State	:	Mr. Sadanand Paswan, APP
For the O.P. no. 2	:	Mr. Tribhuvan Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 22-03-2021 This is an appeal under Section 14(A)(2) of SC &

ST (Prevention of Atrocities) Amendment Act, against the

refusal of prayer for bail by order dated 28.11.2019 passed by

learned 1st Additional Sessions Judge Kaimur at Bhabua, in

A.B.A. No. 1169 of 2019 in connection with SC /ST Bhabua

P.S. Case No. 71 of 2018, registered under Sections 341, 323,

406, 420,504, 506 of the Indian Penal Code and Section 3(i)(r)

(s) and 3(2) (va) of SC/ST (POA) Act.

Allegation against appellant is that on the assurance

of providing job on monthly payment of Rs. 10,000/- to the

complainant but complainant could not get full payment after 4-

5 months of his job, he demanded the remaining money from



the appellant but he refused to give the same and also he abused the complainant by taking his caste name.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to dirty village politics. It has been further submitted that appellant is not a contractor rather he engaged them in a company on their request to provide them job. Dispute is of payment of wages with employer and not petitioner. There is no allegation of abusing in public place. Appellant has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on anticipatory bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-Kaimur at Bhabua, in connection with the aforesaid case, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) appellant shall co-operate in the trial and shall be properly represented on each and every



date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

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

(S. Kumar, J)

veena/rajiv-

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