

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.249 of 2022**

Arising Out of PS. Case No.-94 Year-2020 Thana- KHAJAULI District- Madhubani

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RAM UDGAR MAHTO S/o Sri Jageshwar Mahto Resident of Village-
Chatra, P.S.- Khajauli, District- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. LALAN PASWAN S/o Late Jagdish Paswan R/o Village- Chatra, P.S.-
Khajauli, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Udbhav, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-05-2022 Vide order dated 02.02.2022, notice has been issued to respondent no.2 and as per office notes, notice has been served validly upon the respondent no.2 but there is no representation on his behalf.

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) Amendment Act, 2015 (herein after referred to as the SC/ST Act) against the refusal of prayer for bail vide order dated 04.12.2021, passed by learned 1st Additional Sessions Judge-cum- Spl. Judge (SC/ST) Act, Madhubani, in connection



with Khajauli P.S. Case No.94 of 2020, G.R. No.93/2020, registered under sections 147, 148, 149, 341, 323, 324, 307, 302, 452, 504, 506 of the IPC, 27 of the Arms Act and section 3(i)(r)(s), 3(2)(v) of the SC/ST Act.

Earlier, the prayer for regular bail of the appellant was rejected by this Court vide order dated 05.04.2021 passed in Cr. Appeal (SJ) No.944 of 2021 with an observation to renew his prayer for bail after six months.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. There is a case and counter-case between the parties and allegation against the appellant is of assaulting the deceased by farsa but the postmortem report falsifies this fact. Appellant has been falsely implicated in the case with frivolous allegation. Appellant has one criminal antecedent and is in custody since 14.06.2020.

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

Considering the observation made by this Court while rejecting the regular bail earlier, the appellant named above is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st



Additional Sessions Judge-cum- Spl. Judge (SC/ST) Act, Madhubani, in connection with Khajauli P.S. Case No.94 of 2020, G.R. No.93/2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the appellant who will give on affidavit genealogy as to how he is relative to appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused 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 the proceeding for cancellation of bail on ground of misuse.

(3) The appellant shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The appellant shall appear before the Police



Station of his local area in the first week of each month till the disposal of the present case.

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

(Anjani Kumar Sharan, J)

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