

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1224 of 2022

Arising Out of PS. Case No.-329 Year-2018 Thana- BIDUPUR District- Vaishali

BHAGDEO RAY Son of Jalandhar Ray Resident of Village - Khajbatti, P.s.-
Bidupur, Distt.- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. UMA DEVI WIFE OF LATE RAJAN RAJAK Resident of Village -
Khajbatti, P.s.- Bidupur, and Distt.- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No2

For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 28-09-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State.

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.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for bail, vide order dated 25.11.2021 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, Hajipur, Vaishali, arising out of Bidupur P.S. Case No. 329 of



2018 instituted for the offence under Sections 302, 120B, 387 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(r)(v) of the SC/ST (POA) Act, 1989 and also for setting aside the aforesaid order dated 25.11.2021.

The office has reported service of notice upon O.P. No. 2 under office notes dated 02.08.2022. Thereafter matter has been adjourned twice awaiting appearance of O.P. No. 2. However, O.P. No. 2 has not appeared.

The appellant had earlier approached this Court for grant of bail in Cr. Misc. No. 82236 of 2019, which was withdrawn for availing the appropriate remedy by way of an appeal.

Petitioner's Cr. Appeal (SJ) No. 5840 of 2019 was dismissed on 01.06.2020.

Learned counsel for the appellant submits that there is one vital development in the meantime, i.e., grant of bail to co-accused Arun Chaudhary facing similar allegations. His bail has been allowed on 14.09.2021 in Cr. Appeal (SJ) No. 2098 of 2021. The appellant's counsel has also filed a supplementary affidavit, wherein it is stated that the appellant has been acquitted in two out of five cases pending against him since earlier; and in the remaining three cases, he is on bail. In the



instant case, he is stated to be in custody since 05.03.2019, i.e., nearly three and half years.

Learned Spl. PP has opposed the prayer for bail alleging that strong motive has been assigned by the informant against the appellant and other co-accused persons.

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 1st Additional District and Sessions Judge-cum-Special Judge, Hajipur, Vaishali, in connection with Bidupur P.S. Case No. 329 of 2018.

In the result, the appeal is allowed and the impugned order dated 25.11.2021 is set aside.

(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 fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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