

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.755 of 2022

Arising Out of PS. Case No.-336 Year-2019 Thana- PATNA CITY CHOWK District- Patna

Sagar Yadav @ Sagar Kumar S/O Sunil Yadav R/O- Nirankar Bhawan, Mochi
Road, (Morcha Road), P.S.- Chowk, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahendra Paswan Late Raman Paswan R/O Village-Begampur Sidhe Bazar,
P.S.-Bypass, Distric-Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Nityanand Kumar
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 19-10-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Vide order dated 18.05.2022, notice was issued to newly
added respondent no. 2. Office pointed out that the respondent
no. 2 did not find at given address, therefore, notice returned un-
served.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 15.02.2022, passed by
learned Additional Sessions Judge-III-cum-Special Judge
(SC/ST Act), Patna in connection with Chowk P.S. Case No.
336 of 2019, registered under Sections 302/34 of the IPC,



Section 27 of the Arms Act and Sections 3(2) of SC/ST Act.

Earlier, prayer for bail of the appellant was rejected vide order dated 29.10.2021 passed in Cr. APP (SJ) No. 2977 of 2021 with a liberty to renew his prayer for bail after framing of charge.

Learned counsel for the appellant submits that now charges have been framed against the appellant 08.12.2021. He further submits that appellant is languishing in judicial custody since 11.12.2019.

Considering the fact that charges have been framed against the appellant, let the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge (SC/ST Act), Patna in connection with Chowk P.S. Case No. 336 of 2019, subject to the conditions:

(1) that one of the bailors will be a close relative of the appellant, who will give an affidavit giving genealogy as to who he is related with the appellant. He 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



and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the appellant will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the appellant is implicated 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 proceeding for cancellation of bail on the ground of misuse.

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

(Anjani Kumar Sharan, J)

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