

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.855 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- SC/ST BETTIAH District- West
Champaran

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Saifullah Khan @ Bhutto Khan Son Of Late Kaifaitullah Khan R/O Village-
Sobaithwa, P.S.- Kangali, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rani Kumari W/O- Arun Baitha R/O Village- Sobaithwa, P.S.- Kangali,
District- West Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Adv
For the Respondent/s : Mr. Binay Krishna, Spp

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 22-09-2022 Heard Md. Bimlesh Kumar Pandey, learned counsel
for the appellant as well as learned SPP for the State.

Earlier notice was issued to the respondent no. 2 and
the same was received by father of respondent no. 2 and in
compliance of this order a joint petition was filed which is on
record.

The present appeal under Section 14(a) (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter referred to as the SC/ST Act)
preferred against the order dated 15.02.2022 passed by the
learned Additional District & Sessions Judge, 1st cum Special
Judge SC/ST Act, Bettiah, West Champaran in connection with



Bettiah P.S.Case No. 34 of 2021 instituted for the offence under Sections 341, 323, 354B, 379, 504, 506/34 of the Indian Penal Code and section 3(i) (r)(s) (ii)(v-a)of SC/ST Act whereby prayer for bail of the appellant has been rejected.

Prosecution case is based on a written report of the informant alleging therein that on 19.07.2021 when she had gone to her agricultural field to see paddy seeds, she found that all the accused persons including the appellant were engaged in cutting her paddy seeds whereupon she protested the same then all the co-accused persons by abusing and taking her casts name assaulted with lathi and fatta. It is also alleged that in course of altercation co-accused Azad Khan snatched her golden earring and dragged her due to which her cloths were torn.

Learned counsel appearing on behalf of the appellant submits that from the FIR , it would be evident that there is no specific allegation either of assault or abusing against the appellant so far as the allegation of snatching is concerned, the same has been attributed to co-accused Azad Khan. He next submits that the present FIR has been instituted on the back drop of a dispute with regard to irrigation of the field and in fact no such occurrence had taken place and only with a view to create hindrance, an FIR has been instituted. He further submits



that the alleged occurrence had taken place on 19.07.2021 but the FIR has been instituted on 05.08.2021 after delay of 17 days but no plausible explanation has been given. It is last submits that though the appellant is named in eight other criminal cases besides the present one but in all the cases, he is on bail and in this regard a supplementary affidavit has also been filed bringing on record the entire facts. He last submits that the appellant is in custody since 12.01.2022

On the other hand, learned SPP for the State opposed the prayer for bail of the appellant.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, apart from the delay in lodging the FIR and the period of incarceration of the appellant, let the appellant, above named, be enlarge on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-1st cum Special Judge SC/ST Bettiah, West Champaran in connection with Bettiah (SC/ST) P.S.Case No. 34 of 2021.subject to the condition that one of the bailors will be the close relatives of the appellant with further conditions which are as follows:-



(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order dated 15.02.2022 is hereby, set aside and the present appeal stands allowed.

(Harish Kumar, J)

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