

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1339 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- SC/ST District- Buxar

Satyadeo Choubey Son Of Late Sudarshan Choubey Resident Of Village-
Bhakhawa P S- Sikrowl District - Buxar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashutosh Tripathy, Advocate.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Respondent No.2:	:	Mr. Avinash, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 29-09-2022 Learned counsel for the Appellant is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

A supplementary affidavit has been filed on behalf of the appellant stating therein that on account of inadvertence correct position with regard to the criminal antecedent of the appellant could not be mentioned in paragraph 3 of the memo of appeal and as such, the present supplementary affidavit. It is submitted that the appellant is also named in one another criminal case besides the present one.

Heard Mr. Ashutosh Tripathy, learned counsel for the Appellant, Mr. Avinash, learned counsel for the respondent no. 2 as well as 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) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 05.04.2022 passed by the learned Additional District and Sessions Judge- I -cum- Special Judge (court) SC/ST (P.O.A.) Act, Buxar in connection with SC/ST P. S. Case No. 06 of 2022 registered for the offences punishable under Sections 341, 323, 354, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s) (g)(w)(i), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act.

As per the prosecution case, it is alleged that on 07.03.2022 at about 06:00 P.M., while the respondent no. 2 was in her house, in the meantime, the appellant came there and started abusing by taking her caste name and threatened her with dire consequences to leave the land, failing which she would be killed.

Learned counsel appearing on behalf of the appellant submitted that from the tenor of the F.I.R., it would be evident that the occurrence took place on 07.03.2022, however, the present F.I.R. has been instituted after a delay of two days on 09.03.2022 without assigning any plausible reason. Learned counsel for the appellant also drawn the attention of



this court towards the annexure 2 and on the basis thereof, he submitted that prior to the institution of this case, the appellant had filed a complaint before the Circle Officer as well as Public Grievance Redressal Officer, Buxar alleging therein with regard to illegal encroachment by the husband of the respondent no. 2 and this case is nothing but a counter blast. It is last submitted that save and except the allegation of abuse, there is nothing against the appellant, however, he is in custody since 25.03.2022.

On the other hand, learned counsel for the respondent no. 2 vehemently opposes the bail appeal and submitted that specific allegation has been levelled against the appellant that he abused and threatened to the respondent no. 2.

Learned Special Public Prosecutor for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the nature of allegation and the materials available on record, let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge- I -cum- Special Judge (court)



SC/ST (P.O.A.) Act, Buxar in connection with SC/ST P. S. Case No. 06 of 2022, subject to the condition that one of the bailors will be the close relative 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. Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.
- (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.

In view of the aforesaid fact, the impugned order dated 05.04.2022 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

