

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1683 of 2022

Arising Out of PS. Case No.-347 Year-2018 Thana- WAJIRGANJ District- Gaya

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KRISHNA YADAV, S/o Ramvilas Yadav Resident of Village- Chandan Sar, P.S.-
Tankuppa, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pannu Choudhary, Son of Ram Balak Choudhary Resident of Village-Bazidpur,P.S.-
Wazirganj,District-Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Manish Kumar No2, Advocate
		Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, APP
For the Informant	:	Mr. Sudhir Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 15-09-2022

Heard learned counsel for the appellant and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail vide
order dated 30.03.2022 passed by the learned Exclusive Special
Judge, SC/ST Act, Gaya in connection with I.A. No. 02 of 2022
arising out of Wazirganj P.S. Case No. 347 of 2018 registered
for the alleged offences under Sections 302, 201 and 34 of the



Indian Penal Code and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

This is a case of misuse of privilege of bail. The appellant was granted bail vide order dated 04.07.2019 passed in Cr. Appeal (SJ) No. 1856 of 2019 but due to non appearance and lack of pairvi, the bail bond was cancelled on 01.10.2019.

It has been submitted by the learned counsel for the appellant that the appellant entrusted his pairvi to an advocate clerk but due to his fault, no pairvi could be made on 01.10.2019 and bail bond was cancelled. The appellant was not given any intimation and when he came to know about cancellation of his bail bond, he surrendered and he is in custody since 03.03.2022. Learned counsel further submits that the appellant went outside the state for earning of his livelihood and he could not make proper pairvi. The misuse was not intentional or deliberate and the appellant undertakes to remain present on each and every date before the learned trial court in future.

Learned APP for the State and learned counsel appearing on behalf of the informant oppose the submission made on behalf of the appellant. Learned counsel further submits that due to the misuse of privilege of bail by the



appellant, trial has got delayed and the appellant be kept in custody till conclusion of the trial and time be fixed for the same.

Having regard to the fact and circumstances and submission made on behalf of the parties and considering the period between the grant of bail and cancellation of bail bond and further considering the purpose behind the grant of the bail, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with I.A. No. 02 of 2022 arising out of Wazirganj P.S. Case No. 347 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the



terms of the bail, the bail bond of the
appellant will be liable to be cancelled
by the court concerned.

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

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2022
Transmission Date	17.09.2022

