

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3323 of 2021

Arising Out of PS. Case No.-242 Year-2021 Thana- BIHTA District- Patna

Ramesh Singh @ Ramesh Kumar Son of Bindeshwari Singh Resident of
Village Ramtari, P.S. Bihata District - Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pankaj Kumar, Adv.
For the State	:	Ms. Usha Kumari 1, SPP
For the Informant	:	Mr. Arvind Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-01-2022 Heard learned counsel for the appellant, informant and

learned Special Public Prosecutor for the State through virtual

court proceeding.

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 06.07.2021, passed by
learned Additional District and Sessions Judge-III-cum-Special
Judge (SC/ST Act), Patna in connection with Special Case No.
93 of 2021 arising out of Bihata P.S. Case No. 242 of 2021,
registered under Sections 341, 342, 323, 354, 354(B), 504, 506
of the IPC, Section 27 of the Arms Act and Sections 3(i) (r) (S)
of SC/ST Act.

It is submitted by learned counsel for the appellant that
the appellant is innocent and has not committed any offence. He
submits that the present case is counter blast of Bihta P.S. Case
No. 241 of 2021 lodged by the appellant against the close



relative of the informant. He submits that no case under SC/ST Act is made out against the appellant. He further submits that appellant has one criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 14.04.2021.

Learned Spl. PP for the State and informant opposed the prayer for bail and submit that specific allegation has been levelled against the appellant to forcibly dragged to the victim aged about 16 years in a field towards east direction and when the informant opposed, he assaulted with butt of the pistol on her head. It is further submits that all the witnesses have supported the prosecution case.

Considering the facts and circumstances of the case and the period of custody, 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 District and Sessions Judge-III-cum-Special Judge (SC/ST Act), Patna in connection with Special Case No. 93 of 2021 arising out of Bihata P.S. Case No. 242 of 2021, 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 petitioner.

(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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