

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3217 of 2021**

Arising Out of PS. Case No.-89 Year-2021 Thana- MASAUDHI District- Patna

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Dheeraj Kumar Son of Sitaram Yadav Resident of Village- Mohiuddinpur,
P.S.- Masaurhi, Distt- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sangeeta Devi W/o- Ramjeet Choudhary R/o Village- Mohiuddinpur, P.S.-
Masaurhi, Dist.- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashi Bhushan Kumar Manglam
For the Respondent/s : Mr. Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

6 28-04-2022 Heard learned counsel for the appellant and learned

Special P.P. for the State. Notice was issued to respondent no.2,

but nobody appears on her behalf.

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 of bail vide order dated 29.06.2021, passed by
learned 3rd Additional District and Sessions Judge-cum-Special
Judge (S.C./S.T. Act), Patna in connection with Special Case
No.59 of 2021, arising out of Masaurhi P.S. Case No.89 of 2021,
registered under Sections 302, 201, 120(B) and 34 of the Indian
Penal Code and Sections 3 (2) (v) SC/ST Act.

The petitioner along with another co-accused are said to



have killed the husband of the informant.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no eye witness of the occurrence and only on suspicion, the appellant has been made accused in the case. It is further submitted that the appellant is in custody since 20.02.2021. It is also submitted that charge has been framed against the appellant on 25.04.2022. It is lastly submitted that the appellant has got no criminal antecedent as stated in paragraph 3 of the memo of appeal.

Learned Special P.P. for the State opposed the prayer for bail of the appellant.

Taking into consideration the facts aforesaid, let appellant, above named, be released 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 learned 3rd Additional District and Sessions Judge-cum-Special Judge (S.C./S.T. Act), Patna in connection with Special Case No.59 of 2021, arising out of Masaurhi P.S. Case No.89 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 how 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.

(2) 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.

(3) 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.

(4) That the bailors shall also state on affidavit that they 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 this appeal is allowed.

(Anjani Kumar Sharan, J.)

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