

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3442 of 2021**

Arising Out of PS. Case No.-588 Year-2019 Thana- FATUA District- Patna

Chandan Kumar S/o Munna Ray @ Muthu Yadav R/o village- Nathupur, P.S.-
Fatuha, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Mamta Kumari Dev Lal Das Resident of village- Khokhana, P.O.- Fatuha,
P.S.- Fatuha, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra
For the Respondent/s : Mr. Sadanand Paswan

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

5 21-04-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State.

Vide order dated 23.11.2021, notice had been issued
to respondent no.2, but nobody appears on behalf of respondent
no.2.

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 09.03.2021,
passed by learned Additional District and Sessions Judge-III-
cum-Special Judge, SC/ST, Patna in connection with Fatuha P.S.
Case No.588 of 2019, registered under Sections 341, 342, 323,



324, 354, 354(B), 504, 506 of the Indian Penal Code and Sections 3 (i) (r) (s) (w) of the SC/ST Act.

The petitioner is said to have abused the informant by naming her caste and tried to outrage her modesty.

Learned counsel for the appellants submits that the appellant is innocent and has falsely been implicated in the present case. There is general and omnibus allegation against the appellant. It is further submitted that the appellant is in custody since 27.12.2020 and charge has been framed against the appellant.

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

Taking into consideration the period of custody of the appellant and the fact that charge has already been framed against the him, 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 Additional District and Sessions Judge-III-cum-Special Judge, SC/ST, Patna in connection with Fatuha P.S. Case No.588 of 2019, giving rise to Special Case No.414 of 2019, subject to the conditions:

(1) As laid down under Section 438(2) of the Cr.P.C.



(2) 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.

(Anjani Kumar Sharan, J.)

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