

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2788 of 2022

Arising Out of PS. Case No.-406 Year-2013 Thana- FATUA District- Patna

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1. Raghunath Sah @ Radhunath Sao Son of Nagdev Saw @ Nagdev Sah
Resident of Village - Jethuli, P.s.- Nadi, and Distt.- Patna.
 2. Vishwanath Sah @ Viswanath Sao Son of Nagdev Saw @ Nagdev Sah
Resident of Village - Jethuli, P.s.- Nadi, and Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Meeta Devi W/o Maheshwar Das Resident of Village - Jethuli, P.s.- Nadi,
and Distt.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jay Ram Prasad, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 21-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present appeal has been preferred 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 30.06.2022 for the alleged offence
under Sections 147, 341, 323, 379, 504 of I.P.C. read with
Sections 3(i)(x) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989.

The appellants were granted regular bail on 31.03.2014, charges were framed against the appellants on 07.04.2018. Present case was running for prosecution evidence before Trial Court and date was fixed on 20.12.2019 but due to non pairvi on behalf of appellants, their bail bonds were cancelled on 20.12.2019, NBW's were issued, as well as process under Section 82 of Cr.P.C. were also issued against the appellants and appellants were taken into custody on 22.06.2022.

Learned counsel for the appellants submits that they have categorically instructed their counsel at court below to appear in the case as well as to do pairvi but appellants are in custody due to mistake done by their counsel. He further submits that they shall appear on every date before the Trial Court.

Learned counsel for respondent no.2 submits that appellants are intentionally not appearing and delaying in the trial of the case.

In the present facts and circumstances of this case and the submissions made above, let the appellants above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each

to the satisfaction of learned Special Judge, SC/ST, Patna in connection with Special Case No. 376 of 2016 arising out of Fatuha P.S. Case No. 406 of 2013, subject to the conditions as laid down under Section 437(3) of Cr.P.C and they shall appear on each and every date fixed by the Trial Court and they shall not make delay the trial of the case, failing which bail bonds shall be cancelled.

Accordingly, the impugned order dated 30.06.2022 passed by learned Special Judge, SC/ST, Patna in connection with Special Case No. 376 of 2016 arising out of Fatuha P.S. Case No. 406 of 2013 lodged under Sections 147, 341, 323, 379, 504 of I.P.C. read with Sections 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is set-aside and the present Cr. Appeal (SJ) stands allowed.

(Dr. Anshuman, J.)

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