

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4225 of 2021**

Arising Out of PS. Case No.-99 Year-2021 Thana- CHANDI District- Bhojpur

PUSHAKAR KUMAR Son of Late Himalya Singh Resident of Village-
Khangeon, P.S.- Chandi, District- Bhojpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

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

4 06-01-2022 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State through virtual

Court proceedings.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 25.08.2021 passed by learned 1st Additional Sessions
Judge cum Special Judge (SC/ST Act), Bhojpur at Ara in
connection with Chandi P.S. Case No.99/2021 registered under
Sections 341, 323 & 307/34 of the Indian Penal Code, Section
3(1) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act and Section 25 (1-
b)a/26/35/27 of the Arms Act.



The allegation against the appellant is that of resorting firing upon informant and on another person.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. Appellant has not slated the informant in the name of his caste, hence no offence under SC/ST Act is made out against the appellant and there is no need to issue notice to the informant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent and has been languishing in custody since 07.06.2021.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to 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 the learned 1st Addl. Sessions Judge, Bhojpur at Ara in connection with SC/ST Case No.116 of 2021, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his



wife.

(2) The appellant shall not indulge himself in any similar offence till conclusion of the trial.

(3) The appellant shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The appellant will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

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

(Anjani Kumar Sharan, J)

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