

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4405 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- SC/ST District- Vaishali

MINTU RAI S/o- Devendra Rai R/o Vill - Bhagwatpur Taraura, P.S. - Mahua,
Dist. - Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajeev Ranjan No.II, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-01-2022 Heard the parties through virtual mode.

This is an appeal under section 14A (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 08.10.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur, in connection with SC/ST P.S. Case No.1 of 2021, registered under sections 341, 323, 342, 354(B), 504, 506/34 of the IPC and sections 3(i)(r)(s)(w) of the SC and ST (POA) Act.

The allegation against the appellant is that he caught the grand daughter of the informant for illegal work and on her noise, the informant and her daughter-in-law reached there and found that the cloths of the girl was torn and in the meantime,



Mintu Rai tried to flee but her son has apprehended him. It is alleged that all the other named accused persons came at her house armed with bhala farsa and abused the informant's by using caste name and also assaulted him by means of farsa.

It is submitted by learned counsel for the appellant that no such occurrence in the manner as alleged has ever taken place. Appellant is quite innocent and has been falsely implicated in the case at the instance of the informant's son, who is convicted in a case lodged by the father of the appellant. There is no specific allegation levelled against the appellant of abusing the informant or her family members rather the same is general and omnibus in nature. No case under the SC/ST Act is made out against the appellant as the alleged occurrence is said to have been done in the house of the informant and not in a public view. There is an inordinate delay of 11 days in lodging the FIR without any plausible explanation for the said delay. The appellant has been languishing in custody since 01.10.2021 and has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail by submitting that there is specific allegation against the appellant that he tried to kidnap the informant's grand daughter.

In the facts and circumstances of the case, the above



named appellant is directed to be released on bail, **after framing of charge**, on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur, in connection with SC/ST P.S. Case No.1 of 2021, with the following conditions:-

(1) One of the bailors will be own close relative of the appellant who will give on affidavit genealogy as to how he is relative to appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused 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 the proceeding for cancellation of bail on ground of misuse.

(3) The appellant shall remain physically present in the 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 shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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