

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3362 of 2022

Arising Out of PS. Case No.-317 Year-2021 Thana- BAKHARI District- Begusarai

Rakesh Kumar @ Rakesh Rai S/O Sri Rajendra Rai Resident Of Village-
Darhathansingh, P.S.- Bakhri, District- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajiv Prashant

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 30-11-2022 Heard Ld. counsel for the appellant and Ld. Special
Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 20.08.2022, passed by the Ld. Exclusive Special Judge, SC/ST Prevention of Atrocities Act, 1989, Begusarai arising out of Bakhri P.S. Case No. 317 of 2021, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that the appellant came into courtyard of the complainant and started abusing her with her caste name and also assaulted her.



The learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case only on local politics and even as per the allegation the alleged occurrence has not taken place in public view.

The appellant has been languishing in jail since 07.07.2022.

It is also stated in paragraph no. 2 of the petition that the appellant has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the appellant has no criminal antecedent.

However, the Ld. Special Public Prosecutor for the State and Ld. Counsel for the informant vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 28.08.2022, passed by the Ld. SC/ST Prevention of Atrocities Act, 1989, Begusarai, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of the Ld. SC/ST Prevention of Atrocities Act, 1989, Begusarai in connection with Bakhri P.S. Case No. 317 of 2021 on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the appellant has any criminal antecedent, the learned court below shall cancel the bail bond of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedent despite his



knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the appellant.

The appeal stands allowed accordingly.

The learned counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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