

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4614 of 2021

Arising Out of PS. Case No.-300 Year-2021 Thana- SIKARPUR District- West Champaran

BELASH PATEL Son of Late Feku Patel Resident of Chakki Pakdi, P.S.-
Shikarpur, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Yashoda Devi Wife of late Arjun Paswan R/o- Nuniya Tola, P.S.- Shikarpur,
Dist.- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr.Vikash Kumar Shukla, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-05-2022 Heard learned counsel for the appellant, learned counsel
for the informant and learned Special Public Prosecutor for the
State.

Learned counsel for the appellant undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within
stipulated period, office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities)
Amendment Act (hereinafter in short referred to as the ‘SC/ST
Act’) against the refusal of prayer for bail vide order dated
04.10.2021, passed by learned Additional Sessions Judge 1st



cum Special Judge (SC/ST), Bettiah, West Champaran, in connection with Shikarpur P.S. Case No.300/2021, registered u/s 302, 34 of the IPC and cognizance was taken u/s 302, 120B, 201/34 of the IPC and section 3(ii)(v-a) of SC/ST Act.

Allegedly, husband of the informant has been killed by the F.I.R. named accused persons including the appellant by strangulation.

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 due to ulterior motive due to enmity. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. There is no eye-witness to the alleged occurrence and only on suspicion, appellant has been made accused in this case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The appellant has no criminal antecedent and has been languishing in custody since 14.06.2021.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that on 12.06.2021 at about 10.00 A.M, the husband of the informant along with others were taken by one Surendra Thakur to



Rajasthan for job, thereafter all others returned home while husband of the informant was killed.

In the facts and circumstance of the case, considering that there is no eye-witness to the alleged occurrence coupled with the fact that, at best, the case is of last seen theory, the above named appellant is directed to be released on bail 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 Additional Sessions Judge 1st cum Special Judge (SC/ST), Bettiah, West Champaran, in connection with Shikarpur P.S. Case No.300/2021, 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 set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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