

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3776 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- RAHUI District- Nalanda

Shiv Paswan, Son of Nandu Paswan, R/O Village- Dihra, P.S.- Rahui,
District- Nalanda

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P
For the Informant	:	Ms. Kahkashan Alam, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 30-11-2022 Learned counsel for the Appellant is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

An interlocutory application, bearing I.A. No. 1 of 2022, has been filed on behalf of the learned counsel for the appellant for condonation of delay in filing the present memo of Appeal.

In view of the submissions made in the present interlocutory application, the same is allowed and the delay in the appeal stands condoned.

Heard Mr. Pramod Kumar Sinha, learned counsel appearing on behalf of the appellant, Ms. Kahkashan Alam, learned counsel for informant and Mr. Binay Krishna, learned Spl.PP for the State.



The present appeal under Section 14(A) (2) of the Scheduled Caste/Scheduled Tribe, (Prevention of Atrocities) Act, (hereinafter referred to as 'SC/ST Act') has been preferred against the order dated 06.04.2022 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with Rahui P.S. Case No. 04 of 2022 (SC/ST case no. 36 of 2022) registered for the offences punishable under Sections 147, 148, 149, 379, 302, 120(B)/34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act whereby the prayer for grant of regular bail of the appellant has been rejected.

At the outset, learned counsel for the appellant submits that earlier the petitioner had moved before this Court by filing Cr. Appeal (SJ) No. 1613 of 2022 for grant of regular bail and this Court having heard the parties vide order dated 29.09.2022 has been pleased to reject the prayer for bail with liberty to renew his prayer for bail after framing of the charge.

It has been informed to this Court that though the charges have already been framed against the appellant on 13.05.2022, much prior to the order passed by this Court, however, as the deponent was not aware of the framing of charge, this fact could not be brought to the knowledge of this



Court while rejecting the bail application of the appellant. The deponent tendered his unqualified and unconditional apology for inconvenience caused to this Court.

On the other hand, learned counsel for respondent no.2 opposed the bail application and submits that the informant has been regularly threatened by the accused persons, who are roaming outside the jail.

On a query made by this Court, as to any complaint has been filed before the trial court or not. It has been submitted that an application has been filed before the investigating officer of this case. However, no specific allegation has been levelled against the appellant.

Considering the fact that the charges have already been framed and the appellant is in custody since 02.01.2022 having no criminal antecedent, let the appellant, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with Rahui P.S. Case No. 04 of 2022 (SC/ST case no. 36 of 2022) subject to the condition that one of the bailors will be the close relative of the appellant with further conditions



which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The appellant will also ensure his presence before the S.H.O. of the local police station on every 1st week of the month, at least for a period of six months.

Accordingly, the impugned order dated 06.04.2022 is hereby set aside and the present appeal stands allowed.

(Harish Kumar, J)

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