

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.401 of 2023**

Arising Out of PS. Case No.-373 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

VIKASH SAHANI Son of Chandra Dev Sahani Resident of Village-
Madhuwan Kanti, P.S.- Minapur (Panapur O.P.), District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Surendra Kumar Son of Late Damodar Das Resident of Village- Malpur
Chak Hajrat, P.S.- Sakra, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 21-04-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl.P.P. for the State.

Learned Spl.P.P. for the State has informed this Court
that he has served the notice to the wife of the informant.

This is an appeal under Section 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 06.12.2022 passed by the learned Additional District and
Sessions Judge -I-cum-Special Court of SC/ST Act,Muzaffarpur
in Town P.S. Case No.373 of 2021, F.I.R. dated 16.05.2021
registered under Sections 420,379,401,414/34 of the Indian



Penal Code and Section 3(i)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The case relates to theft of ATM Card of the informant and the said ATM Card is stated to be recovered from possession of co-accused Sanjog Kumar. Accused Sanjog Kumar revealed the name of his associate, who fled away, namely Vikash Kumar (petitioner).

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case merely on the basis of confessional statement of the co-accused person, namely, Sanjog Kumar. Further submits that the allegation as alleged in the FIR is false and fabricated. No such occurrence had taken place and the appellant was not apprehended on the spot, so there is no question of any abuse to the informant and the police, after investigation, submitted chargesheet against the appellant and the appellant is are in custody since 21.10.2022.

Learned counsel for the informant and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant on the ground that the appellant carries two more cases other than the present one but fairly submits that the appellant is on bail in both the cases, as mentioned in para-3 of this bail petition.



Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I-Cum-Special Court of SC/ST Act, Muzaffarpur in connection with Town P.S. Case No.373 of 2021, with the following conditions:-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.



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

(Rajesh Kumar Verma, J)

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