

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.489 of 2023

Arising Out of PS. Case No.-733 Year-2022 Thana- PHULWARISHARIF District- Patna

Pappu Kumar S/o Bangali Rai R/o village- Koriawa, P.S.- Janipur, Distt- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhotki Devi W/o Lagan Manjhi R/o Village- Koriawa, P.S.- Janipur, Distt- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajanan Mishra, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-03-2023 Learned counsel for the informant appears and files his Vakalatnama today in the Court.

Heard learned counsel for the appellant, learned counsel appearing for the informant as well as learned Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for bail by order dated 25.11.2022 passed by the learned Special Judge, SC/ST Act, Patna in connection with Phulwarisharif (Janipur) P.S. Case No. 733 of 2022 registered under Sections 341, 323, 325, 504, 506, 354/34 of the Indian Penal Code, Sections 3 (ii) (va) 3 (I) (r)(s) of the Schedule Caste & Schedule Tribe Act.

As per prosecution case, the informant purchased land



from the appellant but she has not got the possession of the same. When she asked for the possession of land, the appellant abused her in filthy and cast indicate language and assaulted her as well as her family members.

Learned counsel for the appellant submits that the appellant has clean antecedent and he has been falsely implicated in the present case. He further submits that the present occurrence took place due to land dispute. He further submits that after the present F.I.R., the matter is settled between the parties. The appellant is in custody since 09.08.2022.

Learned counsel for the informant supports the contention of the learned counsel for the appellant and submits that the present matter has been settled between the parties.

Considering the aforesaid facts and circumstances, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Phulwarisharif (Janipur) P.S. Case No. 733 of 2022, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witness, 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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