

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.605 of 2023

Arising Out of PS. Case No.-698 Year-2022 Thana- SONEPUR District- Saran

DINESH RAI Son of Ashok Rai Resident of Village - Baburbani, P.S.-
Sonepur, District - Saran at Chhapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilwa Devi Wife of Ram Babu Paswan Resident of Village - Karamchak,
P.S.- Sonepur, Dist.- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Chandra Mohan Jha, Adv. Mr. Saurabh Kumar, Adv.
For the Respondent/s	:	Mrs. Usha Kumari I, SPP
for the Informant	:	Mr. Rakesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special P.P. for the State.

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 19.12.2022 passed by the learned 3rd Additional Sessions
Judge-cum-Special Judge SC/ST, Saran at Chapra in connection
with Sonepur P.S. Case No.698 of 2022, F.I.R. dated 12.09.2022
registered under Sections 341, 323, 354(B), 379, 504, 506, 34 of
the Indian Penal Code and Section 3(1)(r) (s)(w), 3(2)(va) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act 1989.

According to FIR, the accused persons abused the informant with her caste name and further dragged her and brought her on the road and also assaulted her with fist and legs. It is further alleged that the co-accused Shailendra rai snatched Jiutiya and Mangasutra worth Rs. 50,000/- from the neck of the informant and the petitioner has taken chhagal worth Rs. 25,000/-.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and in fact no such occurrence has taken place. He further submits that there is no injury report to suggest the allegation as alleged in the F.I.R. is true and the police, after investigation, submitted charge sheet against the appellant and the appellant is in custody since 27.10.2022.

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 has carried five cases other than the present one but fairly submits that as per paragraph-3 of the bail petition, the appellant is on bail in all the five cases.



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) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST, Saran at Chapra in connection with Sonapur P.S. Case No.698 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 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 bond 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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