

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1121 of 2023**

Arising Out of PS. Case No.-11 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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SUSHIL YADAV S/O LATE RAMJATAN YADAV R/V- Palimohan, P.S.-
Khajauli, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Kapleshwar Kumar Paswan S/O BILTU PASWAN R/V- PALIMOHAN
VICHULA TOLE WARD NO.-10, P.S.- KHAJAULI, DISTRICT-
MADHUBANI

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Gagan Deo Yadav, Adv.

Mr. Ravi Prakash, Adv.

For the Respondent/s : Mr. Bhavesh Kumar Sah, Adv.

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

3 23-06-2023 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 25.01.2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with Complaint Case No.11/2021 dated 25.01.2021 registered under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r) (s) 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to FIR, the appellant and other co-accused



persons are said to have assaulted the complainant (O.P. No.2) and also abused him in the name of his caste in drunken state.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that from perusal of the F.I.R., it transpired that no case under the SC/ST case is made out against the appellant and the allegation as alleged in the complaint petition is false and fabricated. He further submits that no such occurrence as alleged in the complaint petition has taken place and the co-accused, namely, Bibau Chaudhary has been granted bail by the learned court below itself and the appellant is in custody since 25.01.2023.

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 eleven cases other than the present one.

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 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with C.R. No.11/2021, T.R. No.1244/2022, 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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