

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1299 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

ABHAY PRATAP SINGH Son of Late Uday Pratap Singh R/o Bhabua Ward
No. 12, P.S- Bhabua Dist- Kaimur at Bhabua

... .. Appellant/s

Versus

1. The State of Bihar
2. Sita Devi Wife of Ramji Paswan R/o Akhlaipur Chamartol Muhalla, P.S-
Bhabua Dist- Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prabhakar Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl.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 01.02.2023 passed by the learned Presiding Officer of
Special Court, Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, Kaimur at Bhabhua in Bhabhua
P.S. Case No.10 of 2023, F.I.R. dated 03.01.2023 registered
under Section 364 of the Indian Penal Code and Section 3(2)(v)
of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

The prosecution case, in short, is that on 03.01.2023 the informant alleged that her son, namely, Abhishek Kumar was missing when he went for natural call and has not returned. The informant further alleged that after much efforts she came to know that on the allegation of theft of paddy, the appellant took away her son and it was not disclosed as to where he has kept her son.

Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. Further submits that there is case and counter case between the parties for the same occurrence and in fact the appellant has been beaten by the family members of the informant. The allegation as alleged in the FIR is false and fabricated. Appellant has not committed any offence as alleged in the FIR and the victim was recovered on same day and the present false and fabricated case has been instituted against the appellant to harass the appellant and the police, after investigation, submitted chargesheet against the appellant and the appellant is are in custody since 03.01.2023.

Learned counsel for the informant and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of



the appellant.

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 Special Judge, Special Court, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No.10 of 2023, 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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