

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1309 of 2023**

Arising Out of PS. Case No.-217 Year-2022 Thana- SASARAM RAIL P.S. District- Gaya

Mantu Kumar S/O- Late Mini Singh Village- Bagahi P.S- Paraiya Dist- Gaya,
Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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

4 28-07-2023 Heard learned counsel for the appellant and 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 regular bail by order dated 28.01.2023 passed by the learned Exclusive Special Judge, SC/ST, Court Gaya in connection with Sasaram Rail (Dehri) P.S. Case No.217 of 2022, registered under Sections 370/34 of the Indian Penal Code, Section 79 of J.J. Act and Sections 3(1)(w), 3(2)(v) of SC/ST Act, 1989 and Sections 3/3A/14A of Child Labour Prohibition Act, 1986.

As per prosecution case, in short is that on 03.11.2022 the R.P.F. post personnel apprehended two person on platform No.3 at Dehri on Sone Station along with four children in



suspicious condition. On quarry they disclosed the accused person carrying the four children for the purpose of working at Bangle Company at Jaipur for the monthly sum of Rs. 3000/- each.

Learned counsel for the appellant submits that appellant has clean antecedent and he 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 appellant has not committed any offence as alleged in the F.I.R. He further submits that as per F.I.R. the allegation against the appellant is that the appellant has transporting the minor children for illegal purpose. He further submits that appellant was in the same place from where the children in question were recovered and he has no concern at all with the children in question and merely on the basis of suspicion the appellant has been arrested by the authority concerned. He further submits that similarly situated co-accused Arun Kumar has been granted bail by this Court vide order dated 21.07.2023 passed in Cr. Appeal (SJ) No. 1297 of 2023. He further submits that the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 05.11.2022.

The learned Special Public Prosecutor has vehemently



opposed the prayer for bail of the appellant and submits that the appellant has red handed arrested along with the children in question from the place of occurrence.

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 the learned Exclusive Special Judge, SC/ST, Court Gaya in connection with Sasaram Rail (Dehri) P.S. Case No.217 of 2022, subject to 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 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 dated 28.01.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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