

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2558 of 2023**

Arising Out of PS. Case No.-322 Year-2022 Thana- BARH District- Patna

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DURGA PASWAN S/O LATE BHAGWAT PASWAN @ HAR KISHUN
DAS R/O Village- Pachhiyari Malahi, P.S- Barh, Distt.- Patna, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. THE STATE OF BIHAR PATNA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Sameer, Adv.

For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-07-2023 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 03.04.2023 passed by learned Special Judge SC/ST Act, Patna in connection with Barh P.S. Case No. 322 of 2022 registered under Sections 147, 148, 188, 189, 290, 291, 353 and 504 of the Indian Penal Code and Section and Section 3(1)(r)(s) of SC/ST (POA) Act, whereby the prayer for bail of the appellant has been rejected.

The appellant along with others is alleged to have blocked the road and when the police party went there to maintain the law and order, the accused persons misbehave with the drivers of the vehicle and abused the police personnel with their cast names.

Learned counsel appearing for the appellant out-



rightly submits that the informant of this case is a police personnel, therefore, notice is not required to be served upon them. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the appellant has not committed any offence. He further submits that the appellant was not present at the place of occurrence neither he was the member of protesting party but due to his previous antecedents, he has been made accused in this case. He further submits that it appears from the F.I.R. that no specific allegation of assault or any overt act is attributed to the appellant. He further submits that the accusation also does not constitute any offence attracting complicity of SC/ST Act against the appellant. The appellant is rotting in judicial custody since 12.01.2023.

Learned counsel appearing for Special P.P. for the State vehemently opposed the prayer for bail of the appellant and submits that the appellant is said to be the member of unlawful assembly and has actively participated in the alleged occurrence. He further submits that the appellant carries six more cases other than the present one.

Considering the facts and circumstances of the case, let the above named appellants be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna in connection with Barh P.S. Case No. 322



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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled 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.

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, this appeal is allowed and the impugned order is set aside.

(Rajesh Kumar Verma, J)

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