

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3567 of 2022

Arising Out of PS. Case No.-379 Year-2021 Thana- NAUTAN District- West Champaran

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PRADEEP KUMAR @ PRADEEP KUMAR SRIVASTAVA Son of Late
Shyam Manohar Lal Resident of Near Power House Mirganj, P.S.- Mirganj,
District - Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Paras Ram Son of Late Bisun Ram Resident of Ambedkar Colony,
Banswariya, Ward No.- 31, P.S.- Nagar, Bettiah, District - West Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Satish Kumar Giri, Advocate
For the State	:	Mr. Binay Krishna, APP
For the Respondent No.2:		Mr. Mayank Mandvendra, Advocate
		Mr. Priyadarshi Matri Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 17-04-2023 Learned counsel appearing for the appellant, learned
counsel for the respondent No. 2 and learned APP for the State
are present and they are heard.

2.The instant appeal has been filed under Section
14(A)(2) of SC/ST (Prevention of Atrocities) Act, 1989 against
the order dated 07.09.2022 passed by Learned Addl. District &
Sessions Judge, 1st-cum-Special Judge(SC & ST), Bettiah, West
Champaran in connection with Nautan P.S. Case No. 379 of
2021, dated 03.10.2021 registered for the offences punishable
under Sections 420, 406, 467, 468, 471/34 of the Indian Penal
Code and Sections 3(i) (r) and 3(2)(va) of SC/ST Act whereby



and whereunder the appellant's prayer for bail has been rejected.

3.The main submissions advanced by appellant's counsel are that the alleged offences of SC/ST Act are not made out against the appellant as it has not been alleged that the said incident concerned to the alleged offences of SC/ST Act took place in full public view and the alleged offences of IPC punishable under Sections 420, 406, 467, 468 and 471 read with Section 34 are also not made out against the appellant as the appellant had no role in the admission of the informant's son and it was the co-accused Kashinath Prasad, Principal of the concerned Gahiri Inter College who played main role in the alleged crime against whom there is direct allegation of receiving Rs. 7,000/- for admission of the informant's son and during investigation no documentary evidence was produced with regard to the admission of informant's son in the Gahiri Inter College of co-accused, Kashinath Prasad and also the informant did not file any receipt with regard to the payment of alleged admission fee. Further submission is that the appellant has fair and clean antecedent and has been languishing in jail since 28.08.2022.

4.It is submitted by learned counsel for the respondent No. 2 that in the present matter the respondent No. 2 does not



want to proceed with the present matter on account of compromise having made in between both the parties and informant's son has now passed the intermediate class examination and complaint was filed by him under stress.

5.Considering the above submissions made by both the parties and mainly the appellant's custody period and the nature of allegation appearing against him as well as his role in the alleged crime and his fair and clean antecedent, in my opinion the appellant deserves to the privilege of bail. Accordingly, the order impugned is hereby set aside and the instant appeal stands allowed and the appellant is directed to 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 concerned Court in connection with Nautan P.S. Case No. 379 of 2021.

(Shailendra Singh, J.)

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