

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4388 of 2022**

Arising Out of PS. Case No.-572 Year-2022 Thana- GAYA MUFASIL District- Gaya

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BALDEO PRASAD SON OF MUNSI YADAV @ MUNSHI PRASAD
YADAV R/O VILLAGE- DHANHARA, P.S.- JAMHOUR, DISTRICT-
AURANGABAD

... .. Appellant/s

Versus

1. The State of Bihar
2. SAVITA KUMARI WIFE OF KAPIL PASWAN R/O VILLAGE-
SOHAIPUR, P.S.- MUFFASIL, DISTRICT- GAYA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vyas Kumar Mishra, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-06-2023 Heard learned counsel for the appellant and learned
Special P.P. for the State.

It appears from the office note that ordinary notice has been validly served upon the respondent No.2, despite of that respondent No.2 has not appeared in the present proceeding.

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 14.11.2022 passed by the learned Exclusive Special Judge SC/ST (P.O.A.) Act, Gaya in Muffasil P.S. Case No.572 of



2022, F.I.R. dated 03.08.2022 registered under Sections 406, 419, 420, 467, 468 of the Indian Penal Code and Section 3(i)(v) (S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to FIR, the appellant is alleged to have taken amount of Rs. 6,36,000/- in the name of providing job to the son of the informant but the appellant has given a forged appointment letter and brought the son of the informant at Calcutta and thereafter at Delhi and engaged him as a labourer under Railway Contractor and up till gave only Rs. 10,000/-.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that due to business dispute, the present F.I.R. has been instituted against the appellant by the respondent No.2. He further submits that the allegation against the appellant as alleged in the F.I.R is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. He further submits that from bare perusal of the F.I.R., it appears that no case is made out under the SC/ST Act against the appellant for the purpose of bail only and the police, after investigation, submitted charge sheet against the appellant and the appellant is in custody since 04.08.2022.



Learned Spl. P.P. for the State vehemently opposed the prayer for bail of the appellant on the ground the appellant has carried one criminal antecedent 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 Exclusive Special Judge SC/ST Act, Gaya in connection with Muffasil P.S. Case No.572/2022, 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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