

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.26 of 2023

Arising Out of PS. Case No.-851 Year-2022 Thana- BARACHATTI District- Gaya

SATYENDRA KUMAR SON OF LATE SAHDEO BHAGAT R/O VILL.-
BARADIH, P.S.- BARACHATTI, DISTT.- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. MUKESH PASWAN SON OF RAMDEO PASHWAN R/O VILL.-
BALTHAR, P.S.- BARACHATTI, DISTT.- GAYA

... .. Respondent/s

Appearance :

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

For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-04-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special 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 28.11.2022 passed by the learned Exclusive Special Judge
SC/ST, Gaya, in connection with Barachatti P.S. Case No.851 of
2022, F.I.R. dated 20.09.2022 registered under Sections 341,
323, 504, 506, 379/34 of the Indian Penal Code and Section 3(i)
(r) (s) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the petitioner along with other



co-accused persons are said to have assaulted the informant and his other associates with axe causing head injury and called the informant using his caste name.

Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the present case is counter blast of Barachatti P.S. Case No. 850/2022 filed by the wife of the petitioner against the informant and his brother Mahesh Pashwan and others. He further submits that so far as the allegation against the petitioner that he assaulted and caused injury is concerned, it appears that the injuries are simple in nature and the police, after investigation, submitted charge sheet against the appellant and the appellant is in custody since 23.10.2022.

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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST, Gaya, in connection



with Barachatti P.S. Case No.851 of 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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