

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5244 of 2023**

Arising Out of PS. Case No.-420 Year-2020 Thana- WAJIRGANJ District- Gaya

Sanjay Prasad S/O Ram Chandra Prasad R/O Village- Rudai, P.S- Wazirganj,  
Distt.- Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Mithu Das S/O Late Mahesh Das R/O Village- Rudai, Post- Makhdumpur  
Bhagosa, Panchaat- Kenar Paharpur, P.S- Wazirganj, Distt.- Gaya.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Alok Kumar Alok, Advocate  
For the Respondent/s : Ms. Usha Kumari 1, S.P.P.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      22-12-2023                      Heard Mr. Alok Kumar Alok, learned counsel  
  
appearing on behalf of the petitioner and Ms. Usha Kumari,  
  
learned Special Public Prosecutor for the State.

2. The appellant has preferred this appeal under  
Section 14-A(2) of the Schedule Caste & Schedule Tribe  
(Prevention of Atrocities) Amendment Act (hereinafter referred  
to SC/ST Act) against the order dated 13.10.2023 passed in B.P.  
No. 476/2023 arising out of Wazirganj P.S. Case No. 420/2020  
whereby the prayer for grant of regular bail of the appellant has  
been rejected.

3. This is the second attempt, as earlier the appeal  
preferred on behalf of the appellant for grant of bail has been



rejected vide order dated 25.08.2022 passed Criminal Appeal (SJ) no. 384 of 2022 after taking into consideration the materials available on record however, while negating the prayer of the appellant, liberty was given to the appellant to renew his pray for bail after framing of charge.

4. It is submitted on behalf of the petitioner that charges have already been framed vide order dated 25.09.2023. The aforesaid fact is also corroborated by the impugned order. He further submits that other co-accused persons having identical allegation, their appeals have also stood allowed by different Co-ordinate Benches of this Court. He lastly submits that the appellant has been languishing in custody for over a period of 2 years.

5. On the other hand, learned counsel for the State submitted that specific allegation has been leveled against the petitioner and the trial is at the fag end.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that charges have already been framed and the other co-accused persons having similar allegation, their appeals stood allowed. Let the order dated 13.10.2023 stand set aside and the appellant be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST, Gaya in connectio

| P.S. Case No. 420 of 2020, subject to



the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.,

**(Harish Kumar, J)**

supratim/-

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