

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1306 of 2024

Arising Out of PS. Case No.-309 Year-2019 Thana- RAJIVNAGAR District- Patna

KRISHNA ROY s/o Late Indradeo Roy Resident of Village-Rajiv Nagar,
Road No. 24, Ram Nihora Rai Path, P.S.-Rajiv Nagar, District-Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. YUVRAJ MAHTO S/o Liladhar Mahto Resident of Village-Lakshmipur,
P.O.-Semra, P.S.-Semra, District-West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Brajesh Prasad Gupta, Adv
For the Respondent/s	:	Mr.Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 04-07-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 14.09.2023 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Rajiv Nagar P.S. Case No. 309/2019 registered for the offence/s punishable u/s 406, 409, 417, 419, 420, 120B, 467, 468, 471, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) (2)(v) of the SC/ST Act.

3. As per the prosecution case, the appellant and the



co-accused persons are alleged to have taken money from the informant and others for providing job in the Income Tax office as they have good terms with the high officials. Further, the appellant gave joining letter to the informant and on being verified, it has come into light that the joining letter was false and fabricated. Accordingly, the present F.I.R. has been lodged.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per the FIR, no member of the public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. On the bare perusal of the payments details, the candidates who had deposited money were all in the account of one co-accused *Shailendra Kumar* either in the HDFC Bank or in the Axis Bank, but there is nothing on record to indicate that the present appellant also received any money from the informant. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 12.04.2023 passed in Cr. Misc. No. 4109 of 2022. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 11.07.2019.



5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 14.09.2023 passed by the learned Exclusive Special, SC/ST Act, Patna in connection with Rajiv Nagar P.S. Case No. 309/2019 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special, SC/ST Act, Patna in connection with Rajiv Nagar P.S. Case No. 309/2019, with a condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

8. Accordingly, the appeal stands allowed.

(Chandra Prakash Singh, J)

Jyoti/-

U		T	
---	--	---	--

