

Arising Out of PS. Case No.-141 Year-2024 Thana- KATIHAR NAGAR District- Katihar

... .. Appellant/s

Versus

- Respondent/s

For the Appellant/s : Mr. Khushi Awadh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, S.P.P.

5 01-08-2025 1. Heard learned counsel for the appellant and the
learned Special P.P. Mr. Sadanand Paswan and the learned
Senior counsel appearing on behalf of the informant Mr. Anshul.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 22.04.2025 in G.R. No.1217/2024, arising out of Katihar Nagar P.S. Case No.141/2024 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Katihar, registered under Sections 302, 120(B), 34 of the Indian Penal Code as well as Sections 3(2)(v) of the SC/ST Act and



25(1-B), 26, 27 and 35 of the Arms Act.

3. Learned counsel for the appellant submits that appellant had earlier moved before this Court seeking regular bail by filing Cr. Appeal (SJ) No.328/2025 and the same was dismissed as withdrawn with liberty to the appellant to renew his prayer for bail after framing of charge. It is next submitted that prior to filing Cr. Appeal (SJ) No.328/2025, the appellant had filed Cr. Misc. No. 37713/2024 and the same came to be rejected by a detailed order dated 07.08.2024. It is further submitted at the time when Cr. Misc. No.37713/2024 was submitted, by that time, the case was under investigation and was not instituted under the SC/ST Act, it was only after investigation, charge sheet came to be submitted under the SC/ST Act, based on which, Cr. Appeal (SJ) No.328/2025 was filed, wherein the aforesaid liberty was granted. It is also submitted that appellant is in custody since 12.01.2024 and charges have been framed by an order dated 03.04.2025.

4. The learned Special Public Prosecutor Mr. Sadanand Paswan and the learned Senior counsel appearing on behalf of the informant opposes the prayer for regular bail of the appellant.

5. Considering the submission of the learned counsel



for the appellant, the order impugned is set aside. Let the appellant, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case.

6. Further, one of the bailors of the appellant shall be his father, namely, Kishor Kumar Jaisawal @ Kishor Prasad Jaiswal.

7. It is made clear that if the learned trial court comes to a conclusion that appellant after his release is trying to delay the trial in any manner or does not appear on two consecutive dates, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the appellant.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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