

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4651 of 2024

Arising Out of PS. Case No.-47 Year-2011 Thana- SIRDALA District- Nawada

Sri Mahto @ Sri Yadav Son of Late Niru Yadav @ Niru Mahto Village-
Sidhaul Ps- Sirdalla Dist- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Gendo Bhuiyan S/o- Late Lalo Bhuiyan Village- Sidhaul Ps- Sirdalla Dist-
Nawada

... .. Respondent/s

Appearance :

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

For the Respondent/s : Ms. Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 30-01-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant

against the order dated 04.09.2024 passed by learned

Special Judge SC/ST (POA) Act, Nawada whereby the prayer

for bail of the appellant in connection with Special (SC/ST)

Case No. 46 of 2011 arising out of Sirdalla P.S. Case No. 47

of 2011 under Sections 341, 323, 325, 504, 506, 379/34 of

SC/ST Act, was rejected.

3. As per prosecution case, the allegation against the

accused persons including the appellant is of abusing in the



caste name as also assaulting the Informant with slaps.

4. Learned counsel for the appellant submits that the present case is related to misuse of grant of bail. He further submits that the appellant was earlier granted bail on 20.12.2013 and, since then, he was all along on bail and in his case *pairvi* was being made by his elder brother but, unfortunately, he died and, as a result of which, some mistakes happened in doing *pairvi* in this case and the bail bond was cancelled on 26.02.2020. He further submits that the appellant surrendered before the learned court below on 22.08.2024 and, since then, he is in custody. Learned counsel for the appellant further submits that there was no willful misuse of bail on the part of the appellant. Learned counsel for the appellant further undertakes that the appellant will abide by any conditions imposed by this Court, if released on bail.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant, stating that the case is very old and the accused has repeatedly misused the privilege of bail.



6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant as also the undertaking given by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 04.09.2024 passed by learned Special Judge SC/ST (POA) Act, Nawada is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special (SC/ST) Case No. 46 of 2011 arising out of Sirdalla P.S. Case No. 47 of 2011, subject to following conditions;

(i) One of the bailor(s) shall be the own/close family members of the appellant.

(ii) The appellant shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be



cancelled by the court below.

(iii) The appellant shall not leave the territorial jurisdiction of the district concerned without prior permission of the court below.

(iv) It is made also made clear that in case of non-compliance of any of the aforesaid terms and conditions, the prosecution will be at liberty move for cancellation of the bail bonds before the court below.

(Rudra Prakash Mishra, J)

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