

(2021) 03 PAT CK 0125**Patna High Court****Case No:** Criminal Appeal (Sj) No. 383 Of 2021

Rajdeo Ram

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: March 15, 2021**Acts Referred:**

- Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 - Section 3(2)(v), 14A(2)
- Indian Penal Code, 1860 - Section 34, 302

Hon'ble Judges: Madhuresh Prasad, J**Bench:** Single Bench**Advocate:** Anuj Kumar, Binay Krishna, Kundan Rathore**Final Decision:** Allowed**Judgement**

1. Heard learned counsel for appellant, informant and learned Spl. PP for the State.
2. Learned counsel for the appellant is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so.
3. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for regular bail vide order dated 08.09.2020, passed by learned Additional District and Sessions Judge-1st-cum-Special Judge SC/ST East Champaran at Motihari, in Sangrampur PS Case No 70 of 2020 registered under Section 302/34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act.

4. The allegation is that the informant's husband was stabbed to death by co-accused, namely, Vinod Ram and Harendra Yadav. While the appellant is said to be holding the hand of the victim. The appellant is in custody since 12.04.2020. The appellant had earlier implicated the deceased in Sangrampur PS Case No 51 of 2010, wrongly written as Sangrampur PS Case No 51 of 2020 due to typographical error in paragraph no.9 of the appeal. In background of the earlier implication due to some dispute relating to finances, the appellant has been named as one holding the hand of the victim. Even as per allegations, there is no assault attributed against the appellant.

5. The learned counsel for the informant as well as learned Spl. PP for the State have opposed the prayer for bail. It is submitted that the co-accused persons, against whom, there is allegation of stabbing the victim, have been disallowed the prayer for bail.

6. Considering the rival submissions, this appeal is allowed. The impugned order dated 08.09.2020 passed by learned Additional District and Sessions Judge -1st -cum- Special Judge SC/ST East Champaran at Motihari, in Sangrampur PS Case No. 70 of 2020, is set aside. 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 Additional District and Sessions Judge -1st -cum- Special Judge SC/ST East Champaran at Motihari, in connection with Sangrampur PS Case No. 70 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant.

The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.