
Kamlesh Dubey Vs State of Bihar

**Criminal Appeal (SJ) No. 668 of 2016 Arising Out of PS. Case No. 129 Year-2016
Thana-BAGHA District-West Champaran (Bettiah)**

Court: PATNA HIGH COURT

Date of Decision: Oct. 6, 2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) â€” Section 439#Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 â€” Section 14 A(2)

Citation: (2016) 4 Crimes 274

Hon'ble Judges: Mr. Ashwani Kumar Singh, J.

Bench: Single Bench

Advocate: Mr. Milind Kumar Mishra, Advocate, for the Appellant; Mr. Zeyaul Hoda, APP, for the Respondent

Final Decision: Allowed

Judgement

Mr. Ashwani Kumar Singh, J.(Oral)â€”Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. This appeal under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been filed

against the order dated 01.06.2016 passed by the learned 1st Additional Sessions Judge, Bagaha, West Champaran in Bail Petition No. 144(B) of

2016/Registration No. 843 of 2016 whereby the bail application of the appellant in connection with Bagaha (Patkhoul) P.S. Case No. 129 of

2016 registered under Sections 406, 420, 465 and 468 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and the Scheduled

Tribes (Prevention of Atrocities) Act, 1989 has been rejected.

3. It is contended by the learned counsel for the appellant that the allegation of calling the informant of the case by his caste name would come

under Section 3(1)(s) and not under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 after

the Amendment Act, 2015 came into force with effect from 26.01.2016. It is contended that the allegations made in the FIR are false and

fabricated. The appellant has been remanded in the present on 04.05.2016 and the investigation of the case has already been completed. It is

further contended that the appellant having got roots in the society, is not likely to abscond or tamper with the evidence in case of his release on

bail.

4. On the other hand, learned Special Public Prosecutor for the State has opposed the application for grant of bail to the appellant. He has

submitted that there is neither any illegality nor infirmity in the impugned order passed by the court below.

5. Regard being had to the nature of the offence and the period undergone in custody, the impugned order dated 01.06.2016 passed by the learned

1st Additional Sessions Judge, Bagaha, West Champaran in Bail Petition No. 144(B) of 2016 is set aside. The appellant is directed to 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 1st Additional Sessions Judge, Bagaha, West Champaran in connection with Bagaha (Patkhoul) P. S. Case No. 129 of 2016.

6. The appeal stands allowed.