

(2016) 11 PAT CK 0020

In the Patna High Court

Case No : Criminal Appeal (SJ) No. 695 of 2016 (Arising Out of PS.Case No. 9
Year 2014 Thana-SC/ST District-Bhagalpur)

Mantu Kumar Sah

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 09-11-2016

Acts Referred:

Penal Code, 1860 (IPC) — Section 323, Section 34, Section 341, Section 406, Section 420, Section 504, Section 506
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) (Amendment) Act, 2015 — Section 14-A(2)
Scheduled Castes

Citation : (2017) 1 ECRC 249

Hon'ble Judges : Mr. Chakradhari Sharan Singh, J.

Bench : Single Bench

Advocate : Mr. Sadanand Paswan, Spl. P.P.(SC/ST) Act, for the Respondent; Mr. Ranjan Kumar Jha and Mr. Indrajeet Jha, Advocates, for the Appellant

Final Decision : Allowed

Judgement

Mr. Chakradhari Sharan Singh, J.(Oral) - This appeal has been preferred under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Amendment Act, 2015 against the order, dated 26.04.2016, passed by learned 2nd Additional District and Sessions Judge-cum-Special Judge, Bhagalpur, whereby the appellant's application for grant of regular bail has been rejected.

2. Learned counsel for the appellant has submitted that learned court below has failed to take into account relevant factors for grant of bail and despite the fact that the accusation made in the First Information Report indicated civil dispute between the parties, learned court below has erroneously rejected the application for regular bail. The appellant is in custody since 31.03.2016. The First Information Report discloses commission of offences punishable under Sections 341, 323, 504, 506, 420, 406/34 of Indian Penal Code and Section 3 (1)

(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989. A written report of the informant is basis for registration of the First Information Report. Allegedly, the appellant and other co-accused persons had taken total amount of Rs. 2,10,000/- from the informant in the name of the informant's employment in the Railways. The accused persons did not keep the promise and when the informant asked for returning the amount, they are said to have abused him, taking his caste name.

3. Learned counsel appearing on behalf of the appellant has submitted that only for the purpose of present appeal and without any prejudice to his rights and contentions in any proceeding, the appellant shall pay to the informant an amount of Rs. 70,000/- within a period of four weeks from today.

4. Considering the submissions advanced on behalf of the appellant and particularly the submissions that the appellant has no criminal antecedent and there is no likelihood of his fleeing from the course of trial, this application is allowed.

5. The order passed by learned 2nd Additional District and Sessions Judge-cum-Special Judge, Bhagalpur, dated 26.04.2016 in Bail Petition No. 388 of 2016 is, hereby, set aside.

6. Considering the facts and circumstances, it is directed that 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 2nd Addl. District and Sessions Judge-cum-Special Judge, Bhagalpur in connection with SC/ST (Naugachia) P.S. Case No. 09 of 2014, corresponding to G.R. No. 1081 of 2014.