

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1903 of 2017

Arising Out of PS.Case No. -110 Year- 2017 Thana -BAHADURGANJ District- KISANGANJ

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Naksab Alam @ Naksid Alam Son of Md. Ayub Resident of
Village/Mohalla-Chakala Dhangarha, P.S.-Korowari, District-Kishanganj

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Malay Kumar Choudhary, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 27-07-2017 The appellant seek pre-arrest bail in connection with Bahadurganj P.S. Case No. 110 of 2017 registered for offences punishable under sections 341, 324, 326, 452, 307, 120B of the Indian Penal Code and under Section 3(2)(va) of SC/ST Act.

Allegation as per FIR against the appellant is that the informant got the conspiracy, the appellant was threatening earlier and as such it is alleged that at his instance occurrence took place in the house in which three persons came on the motorcycle and fired at him with pistol. The first bullet hit him on the forehead and second one hit on the thumb of left hand.

Learned counsel for the appellant submitted that apart from the suspicion there is nothing against the appellant, no allegation of fire against him and as such no offence made out under Section 3(2)(va) of SC/ST (Prevention of Atrocities) Act .



Heard learned Special P.P. also.

Having heard both sides and considering the aforementioned facts and circumstances, this appeal is allowed, let appellant, above named surrender before the Court of Special Judge within four weeks and on so surrendering he be released on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned District & Sessions Judge, Kishanganj in connection with Bahadurganj P.S. Case No. 110 of 2017, subject to condition as laid down under Section 438(2) of the Cr.P.C. with further conditions:-

(i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(iii) The appellant shall cooperate in investigation and make himself available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

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