

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2137 of 2018

Arising Out of PS.Case No. -98 Year- 2017 Thana -CHAKAND District- GAYA

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1. Md. Kausar Niajee @ Md. Kaushar Neyazi, S/o Sultan Mian, R/o Village
Dumri, P.S. - Chakand, District - Gaya, Bihar.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 27-06-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by order dated 23.05.2018 passed by the learned Special Judge, S.C./S.T., Gaya in Chakand P.S. Case No. 98 of 2017 registered under Sections 147, 148, 149, 341, 323, 325, 307, 354, 504, 506 of the Indian Penal Code as well as Section 3(i)(r)(s) of the SC/ST Act.

According to FIR, other co-accused had allegedly sexually assaulted to the daughter of the informant. In the subsequent occurrence when complaint was made general and omnibus allegation is of commission of abuse and assault.

It appears that similarly situated co-accused, namely, Dr.



Sajid Hussain @ Md. Abid Mian @ Md. Abid and Kaifi Azmi @ Md. Kaifi @ Kaifi have been allowed anticipatory bail by different Coordinate Benches of this Court vide Annexure-6 series.

Learned Special Public Prosecutor has opposed the prayer for bail.

Considering the aforesaid facts, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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