

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.4181 of 2018**

Arising Out of PS. Case No.-227 Year-2018 Thana- BARHARIA District- Siwan

- 
- 
1. Sebu Ansari @ Sabu Ansari Son of Bhootu Mian @ Bhootu
  2. Babloo Mian Son of Sadik Mian Both are Resident of Village-  
Habib Pur, Police Station Barharia, Distt.-Siwan

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

---

---

with

**Criminal Appeal (SJ) No. 4386 of 2018**

Arising Out of PS. Case No.-227 Year-2018 Thana- BARHARIA District- Siwan

- 
- 
1. Saddam Hussain @ Sadam Hussain Son of Salahuddin @  
Salauddin
  2. Hajrat Son of Abdul Haque Both are Resident of Village-Habib  
Pur, Police Station- Barharia, Distt.-Siwan

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

---

---

**Appearance :**

(In Criminal Appeal (SJ) No. 4181 of 2018)

For the Appellant/s : Mr. Irshad Ahmad Khan, Advocate

For the Respondent/s : Smt Usha Kumari No-1, SPP

(In Criminal Appeal (SJ) No. 4386 of 2018)

For the Appellant/s : Mr. Irshad Ahmad Khan, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

---

---

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL JUDGMENT**

**Date : 13-12-2018**

Heard learned counsel for the parties.

Both these appeals, under Section 14(A)(2) of the Scheduled  
Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against  
the refusal of prayer for bail vide order dated 06.09.2018 passed by the  
learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Siwan, in



connection with Barharia Police Station Case No.227 of 2018, registered under Sections 302/506/34 of the Indian Penal Code and Sections 3(1)(r) (s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Though allegation in the FIR is against thirteen persons of commission of assault to the deceased, however, the doctor who performed the post mortem found single bruise on the back of the deceased.

Considering the aforesaid inconsistency and the fact that appellants have stated on oath that they have got no criminal antecedent, let the appellants, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each 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, with condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned order is set aside and both these appeals are allowed.

**(Birendra Kumar, J)**

Mkr./-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 14.12.2018 |
| Transmission Date | 14.12.2018 |

