

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3369 of 2017

Arising Out of PS.Case No. -25 Year- 2017 Thana -DUMARIA District- GAYA

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1. Faiyaz Khan @ Md. Faiyaz Khan, Son of Hassan Khan @ Hasan Alam Khan, Resident of Village- Khaira, Police Station- Dumaria, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Pravesh Nath Tiwari, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 05-03-2018 Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T. Act), Gaya, in Dumaria Police Station Case No.25 of 2017 registered under Sections 364/504/506/34 of the Indian Penal Code and Sections 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the younger brother of the informant was missing from 16.04.2017, when the informant got information about missing he came to the village and enquired from the people. The inquiry revealed that the victim was in the habit of being in the company of the appellant and co-accused. Hence, the appellant and co-accused are suspected to have kidnapped him.



Submission of the learned counsel for the appellant is that there is no eyewitness of the occurrence and only material is suspicion. There is no motive alleged against the appellant to have committed kidnapping or abduction nor the informant had disclosed identity of the person who had informed that the victim was last seen along with the appellant.

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 bonds of Rs.20,000/- (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/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 appeal stands allowed.

(Birendra Kumar, J)

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