

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2140 of 2018

Arising Out of PS. Case No.-8 Year-2018 Thana- BELAGANJ District- Gaya

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Rizwan Khan @ Rijju Khan @ Md. Rizwan, S/o Late Azad Subhani @
Subhani Khan, resident of Village- Agthu, P.S.- Belaganj, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 25-07-2018

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) Amendment Act, 2015 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 05.04.2018 passed by the learned Special Judge, SC/ST Act, Gaya, in A.B.P. No.66 of 2018 along with A.B.P. No.42 of 2018, arising out of Belaganj Police Station Case No.08 of 2018, registered under Sections 302, 120B, 354/34 of the Indian Penal Code and Section 27 of the Arms Act as well as Section 3(1)(m)(n)(s)(w)(i)(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation in the F.I.R. is against an unknown person as well as against co-accused, *Guddu Khan* to have instigated and *Lallu Khan* fired causing death of the husband of the informant.



Submission is that though the appellant is named in the F.I.R., however, no overt act is specifically alleged and F.I.R. named accused person, *Sadaf Minhaz* has already been allowed anticipatory bail by this Court in Criminal Appeal (SJ) No.1819 of 2018.

Finding substance in the submission aforesaid, 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate 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 this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	N.A
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