

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2755 of 2018

Arising Out of PS.Case No. -87 Year- 2017 Thana -NANHPUR District- SITAMARHI

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1. Md. Muzammil @ Md. Mojamil @ Md. Mojamml S/o Md. Mojahid, R/o Vill.-
Harpurwa, P.S.- Bajpatti, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashhar Mustafa, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-08-2018

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 against the refusal of prayer for anticipatory bail vide order dated 05.07.2018 passed by the learned Special Judge (S.C./S.T. Act), Sitamarhi, in A.B.P. No.1184 of 2018/229 of 2018, arising out of Nanpur Police Station Case No.87 of 2017, registered under Sections 302/120B/201 of the Indian Penal Code. Subsequently, offences under Sections 395/412/34 of the Indian Penal Code and Sections 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were added.

The FIR was lodged on the fardbeyan of the local Chaukidar after recovery of an unknown dead body. During investigation, only suspicion was raised against the appellant and



others. Other co-accused have already been allowed anticipatory bail by a coordinate Bench of this Court vide order dated 05.12.2017 passed in Cr. Misc. No.53260 of 2017.

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 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)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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