

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.455 of 2018

Arising Out of PS.Case No. -137 Year- 2017 Thana -BHORE District- GOPALGANJ

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1. Kitabuddin Ansari @ Kitabuddin @ Kitabu Ansari, son of Gulli Ansari
@ Gulli Miya, resident of Village- Dayal Chapar, Police Station- Bhorey,
District- Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Lokesh Kumar Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 24-05-2018

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 regular bail by the **learned 1st Additional Sessions Judge, Gopalganj in Bhorey P.S. Case No. 137 of 2017** registered under Sections 376, 511, 447, 448, 341, 342, 323, 504, 506 of the Indian Penal Code as well as Section 3(i)(ii)(xi) of the SC/ST Act.

Learned counsel for the appellant has submitted that appellant has been falsely implicated in this case. There is case and counter case. It is further submitted that the case has been compromised between the parties and the appellant is in custody



since 27.11.2018. Appellant has got no criminal antecedent.

Let the appellant above named in the event of surrender/arrest within six weeks from today, in connection with **Bhorey P.S. Case No. 137 of 2017** he shall be released on regular bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of **learned 1st Additional Sessions Judge, Gopalganj** subject to the conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) appellant shall cooperate in the trial and shall be present on each a nd every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if appellant tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

Accordingly, the impugned order dated 13.12.2017 is set aside and the appeal is allowed.

(Sanjay Priya, J)

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