

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3104 of 2018

Arising Out of PS. Case No.-219 Year-2017 Thana- BAUSI District- Purnia

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Matiur Rahman @ Matia @ Motiur Rahman, son of Sheikh Tahir, resident of
Village- Gandawas, P.S. Dagarwa, District Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Prawesh Kumar
For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-09-2018

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 vide order dated 04.08.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Purnea in Baisi Police Station Case No.219 of 2017 registered under Sections 147, 148, 149, 452, 341, 325, 307, 302, 380, 427, 504 of the Indian Penal Code as well as Section 3(1)(v)(x), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to F.I.R., the appellant and others assaulted causing injury to the father and uncle of the informant. During course of treatment, father of the informant died.



Submission is that the case diary would reveal that the witnesses have stated before the Police that the appellant and others had nothing to do with the occurrence alleged, rather due to village politics, he has been falsely implicated.

Learned Special Public Prosecutor has opposed the prayer for bail.

Considering the fact that allegation in the F.I.R. has not been substantiated during investigation, let the appellant, above named, 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 learned court below where the case is pending in connection with the aforesaid case, subject to the 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 this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

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Transmission Date	

