

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3372 of 2018

Arising Out of PS.Case No. -147 Year- 2018 Thana -AAJAM NAGAR District- KATI HAR

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1. Mokim Akhtari W/o Majlum Alam @ Abdul Rahman Resident of Village - Ghosdah, Police Station - Azam Nagar, District - Katihar (Bihar).

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raghvendra Kumar Singh, Adv

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-10-2018

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 bail by order dated 08.08.2018 in G.R. Case No. 2506 of 2018 and Azam Nagar (Salmari O.P.) P.S. Case No.147 of 2018 passed by the learned Additional Sessions Judge-1-cum-Special Judge, Katihar, registered under Sections 302, 326(A), 120(B), 307, 436 of the Indian Penal Code and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant suspects that husband of this appellant and the appellant committed arson in the Hut, which resulted in burn injury to three family members, who were sleeping inside and death of one girl.



Learned counsel for the appellant submits that except suspicion, there is no other material against the appellant. The impugned order would also reveal that only hearsay witness has supported the allegation.

Considering the fact that there is no direct evidence against the appellant and appellant is a female, let the appellant, above named, be released on bail on furnishing bail bond 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, with condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further 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)

Nitesh/-

AFR/NAFR	NAFR
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