

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1471 of 2018

Arising Out of PS. Case No.-67 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Rizwan Ansari @ Md. Rizwan S/o Late Md. Hussain Ansari R/o Village -
Ramapali, P.S. - Siwan Muffasil, Distt - Siwan.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 23-05-2018 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This is an appeal under Section 14 A(2) of the
Schedule Caste and Schedule Tribe (Prevention of Atrocities)
Act, 1989 against refusal of the prayer for anticipatory bail in
connection with Siwan Muffasil P. S. case no. 67/18, registered
under Sections 420,465,468,406,504 and 506 of the Indian
Penal Code and Section 3(i)(X) of the SC/ST (Prevention of
Atrocities) Act.

Learned counsel for the appellant has submitted that
the alleged occurrence is said to have taken place in the year
2015 and complaint has been filed in the year 2017. The
complainant/informant has alleged that this appellant took Rs.
One lacs and ten thousand for sending the informant's son to



Saudi Arab for employment. The informant has further alleged that this appellant took a total consideration amount of Rs. 5, 50,000/- from several other persons which was sent in the account of the appellant but after lapse of time the appellant did not send the complainant's son or anybody to the foreign country for employment.

Learned counsel for the appellant has specifically mentioned in para 10 of the petition that informant filed several bank receipts along with the complaint showing money sent by different persons in the account but none of the account belongs to the appellant. The appellant has no any concern with the same.

Considering the aforesaid facts, let the appellant, above named, in the event of his arrest/surrender within six weeks from today in connection with Siwan Muffasil P.S. case no. 67 of 2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Session Judge, Siwan , subject to the conditions as laid down under Section 438(2) Cr. P. C. with further 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 and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the appellant and (3) if appellant tampers 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 is set aside and the appeal stands allowed.

(Sanjay Priya, J)

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