

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2699 of 2018

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

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1. Md. Ansar Alam @ Md. Ansar @ Ansar, Son of Israil,	
2. Md. Arshad @ SK Bablu, Son of Israil.	
3. Shahjad @ Md. Shahjad, Son of Israil, All Resident of Village- Gandwas, P.S.-	
Dagrarua, District- Purnea.	 Appellant/s
Versus	
1. The State of Bihar.	 Respondent/s

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Appearance :

For the Appellant/s : Mr. Nadimul Hasan, Adv
For the Respondent/s : Mr. Binay Krishna, 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 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for anticipatory bail by order dated 06.06.2018 in A.B.P. No. 12 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T.), Purnea in SC/ST Case No. 332 of 2017 arising out of Baisi P.S. 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 Sections 3(i)(v)(x), 3(2)(v) of the SC/ST Act.

According to FIR, the appellants 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 appellants



or others had nothing to do with the occurrence alleged, rather due to village politics, they have been falsely implicated.

Learned Special Public Prosecutor has opposed the prayer for bail.

Considering the fact that allegation in the FIR has not been substantiated during investigation, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure and both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellants 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 appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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