

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2547 of 2018

Arising Out of PS. Case No.-276 Year-2017 Thana- PANCHRUKHI District- Siwan

Ajaj Ahmad @ Jhingur, S/o Late Nasir Khan, (wrongly mentioned in F.I.R. as Islam Mian), R/o Vill.- Supauli, Mauja Tola, P.S.- Pachrukhi, District-Gopalganj, permanent Address- Vill.- Bagahi, P.O.- Hathua, P.S.- Mirganj, District- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramadhar Shekhar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14-A(1) & (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 vide order dated 07.06.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in A.B.P. No.827 of 2018, arising out of Pachrukhi Police Station Case No.276 of 2017 registered under Sections 420, 467, 468, 471, 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3 (1)(r)/2(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to F.I.R., three persons received Rs.85,000/- (Rupees Eighty Five Thousand) each from 13 persons for



managing visa and ticket for those 13 persons which was not managed, as a result whereof the informant and others were found cheated. Son of this appellant is also accused among three persons. None of the witnesses is specific, as to whom he had paid Rs.85,000/- (Rupees Eighty Five Thousand) and it is not believable that the said amount was given to all the persons simultaneously who are named as accused. Moreover, there is no evidence of payment of such huge amount to the appellant or to any other co-accused.

Considering the aforesaid infirmity, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned court below where the case is pending in connection with the aforesaid case, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate 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/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

