

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2721 of 2018

Arising Out of PS. Case No.-22 Year-2017 Thana- SC/ST District- Patna

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1. Jakir Miyan @ Md. Jakir Hussain, S/o Sakruddin Miyan,
 2. Sadruddin Ansari @ Sadru Ansari, S/o Sakruddin Miyan.
 3. Neyamuddin Ansari @ Md. Neyamuddin Ansari, S/o Late Asraf Ansari, All are resident of Village- Nagar Bihta, P.S. Bihta, District- Patna.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 25-09-2018

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 anticipatory bail vide order dated 16.05.2018 passed by the learned Special Judge S.C./S.T. Act-cum-Additional Sessions Judge-V, Patna in A.B.P. No.3159 of 2018, arising out of S.C./S.T. Police Station Case No.22 of 2017 registered under Sections 341, 323, 379, 354, 325, 504/34 of the Indian Penal Code and Sections 3 1(r), 3 1(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The husband of the informant is an accused, rather was in custody in connection with Bihta Police Station Case No.665 of 2016 lodged by son of the appellant No.2, *Sadruddin Ansari @ Sadru Ansari* for the offences under Sections 365, 341, 323, 324, 307/34 of the Indian Penal Code. The aforesaid F.I.R. was lodged on 12.09.2016.

In the aforesaid background allegation is of commission of assault, theft etc.

Considering the background of allegation, the chances of mala fide prosecution cannot be ruled out for the purpose of consideration of prayer for anticipatory bail. The appellants have stated on oath that they have got no criminal antecedent. Hence, 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 bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each 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 appellants shall fully co-operate with



investigation/trial of the case, failing which the court below shall
be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

