

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1295 of 2018

Arising Out of PS.Case No. -87 Year- 2017 Thana -NANHPUR District- SITAMARHI

=====

1. Md. Jabihullah @ Golden @ Md. Zabiullah @ Jaki Bullah, Son of Md. Jamir @
Md. Jamil, Resident of Village- Mirzapur, Ward No.10, P.S.- Bajpatti, District-
Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 14-05-2018

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 the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Sitamarhi in Nanpur P.S. Case No. 87 of 2017 registered under Sections 302, 120B, 201, 395, 412/34 of the Indian Penal Code as well as Sections 3(ii)(v) of the SC/ST Act.

The FIR was lodged on the fardbeyan of the local Chaukidar after recovery of an unknown dead body. During investigation, only suspicion was raised against the appellant and others. Other co-accused have already been allowed anticipatory bail



by a Coordinate Bench of this Court vide order dated 05.12.2017 passed in Cr. Misc. No. 53260 of 2017 (Annexure-2).

Learned Special Public Prosecutor has opposed the prayer for bail.

Considering the aforesaid fact, 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation and 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)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	15.05.2018
Transmission Date	15.05.2018

