

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1878 of 2018

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

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1. Noor Alam S/o Late Idris Mian, R/o Vill.- Supauli Mauza Tola, P.S.-
Pachrukhi, P.O. - Itwa, District- Siwan.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwary, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-08-2018

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 against the refusal of prayer for anticipatory bail vide order dated 09.04.2018 passed by the learned 1st Additional Sessions Judge, Siwan, in A.B.P. No.297 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(i)(r)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, three persons received Rs.85,000/- 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/- 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 bonds of Rs.20,000/- (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/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 appeal stands allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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