

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1125 of 2018

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

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1. Rabka @ Jahangir, Son of Late Abdul Razzaque, Resident of Village-
Fatki, P.S.-Baisi, District-Purnea. Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Helal Ahmad

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

5 24-05-2018

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 regular bail by the **learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T.), Purnia** in **Special SC/ST Case No. 332 of 2017 arising out of Baisi, P.S. Case No. 219 of 2017** registered under Sections 147, 149, 152, 148, 341, 325, 307, 302, 380, 427, 504 of the Indian Penal Code as well as Section 3(1)(v)(x) and 3(2)(v) of the SC/ST Act.

Learned counsel for the appellant has submitted that there is no specific allegation of overt act against the appellant. Co-accused Md. Mazid @ Md. Majid Alam with similar allegation has been allowed bail by co-ordinate Bench of this Court vide order dated 16.04.2018 passed in Cr. Misc. No. 717 of 2018. It is mentioned in the aforesaid order that doctor has found



single injury caused by hard and blunt substance at the chest of the father of the informant.

Let the appellants above named in the event of surrender/arrest within six weeks from today, in connection with **Special SC/ST Case No. 332 of 2017 arising out of Baisi P.S. Case No. 219 of 2017** he shall be released on regular bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of **learned 1st Additional Sessions Judge-cum-Special Judge, Purnia** subject to the conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) appellant shall cooperate in the trial and shall be present on each a nd every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if appellant tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

Accordingly, the impugned order dated 20.02.2018 is set aside and the appeal is allowed.

(Sanjay Priya, J)

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