

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.655 of 2019

Arising Out of PS. Case No.-193 Year-2018 Thana- THAWE District- Gopalganj

MUSTAKIM DEWAN, aged about 55 years, (Male), Son of Late Samshuddin Dewan @ Late Samshuddin Sah, Resident of Village - Murugiya Tola, P.S. Thawey, District- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhramveer, Adv.

For the Respondent/s : Mr. Usha Kumari 1 (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 25-03-2019

Heard the parties.

This is an appeal under Section 14(A) of SC & ST (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 08.01.2019 passed by learned 1st Additional Sessions Judge Gopalganj, in connection with Thawey P.S. Case No. 193 of 2018, registered under Section 436/34 of the Indian Penal Code and Section 3 (1) (r) (w) of SC /ST Act.

Informant has stated in her written complaint that she used to live with her family since 20 years on the bank of canal. On 27.09.2018 at about 1:00 p.m., Afsana Khatoon, Sonu Kumar and Mustakim Dewan (appellant) came and sprinkled kerosene oil and set ablaze her house which was



burnt causing loss of important document and household articles valued at Rs. 1,00000/- (one lakh).

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case only because he is father of Afsana Khatoon. In the order of learned Sessions Judge (Annexure-2) it has come that no burnt articles were found at the place of occurrence and the alleged house was a “*Palani*” and not the residential house. He has no criminal antecedent. There is case and counter case. Appellant is in custody since 12.12.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions :

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the



court below.

(3) If the appellant tampers 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 is set aside and this appeal stands allowed.

(S. Kumar, J)

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