

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.725 of 2019

Arising Out of PS. Case No.-241 Year-2018 Thana- AAJAM NAGAR District- Katihar

NIRMAL BUBNA, aged about 50 years, (M) Son of Late Murari Lal Bubna,
resident of Village-Salmari, P.S.-Azamnagar, District-Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rabindra Nath Kanth
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 26-03-2019 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 bail by order dated **19.01.2019** passed by learned **1st Additional Sessions Judge-cum-Special Judge, Katihar**, in connection with **G.R. No. 4407 of 2018 arising out of Azamnagar P.S. Case No. 241 of 2018**, registered under Sections 302, 120 (B) and 34 of the IPC, under Section 27 of the Arms Act and Section 3 (2) (v) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged that one Maruf Alam and other co-accused as named in FIR have killed her husband by firearm after calling him at his residence. Appellant is not named in FIR.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on the



basis of Suspicion and except that there is nothing against the appellant. It has been further submitted that the deceased himself was a veteran criminal. Similarly, placed co-accused have been granted bail by this Court vide order dated 20.02.2019 passed in Cr. Appeal (SJ) No. 167 of 2019, vide order dated 26.02.2019 passed in Cr. Appeal (SJ) No.45 of 2019, vide order dated 26.02.2019 passed in Cr. Appeal (SJ) No. 45 of 2019 and vide order dated 25.01.2019 passed in Cr. Appeal (SJ) No. 4773 of 2018. He is in custody since 08.10.2018.

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/- 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 the Court and his absence on two consecutive dates without sufficient reason, 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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