

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.983 of 2019

Arising Out of PS. Case No.-81 Year-2015 Thana- SHASTRINAGAR District- Patna

Ghulam Sarwar @ Dargahi Mian @ Md. Dargahi Mian @ Gulam Sarvan Son
of Md. Abu Lais Mian, Resident of Village- Bandi, P.S.- Nimchak, Bathani,
Near Shabilipur, District- Gaya.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lakshmi Kant Sharma
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 10-07-2019 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 30.01.2019 passed by learned Special Judge SC/ST, Patna
in connection with Shastrinagar P.S. Case No. 81 of 2015
registered under Section 370 of the Indian Penal Code, under
Section 23/26 of the J.J. Act, 3/14 of the Child Labour Act and
Section 3(i) (vi) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Appellant along with five other named accused



persons are said to have taken about 100 child labour to Hyderabad for working in the bangle industry without according adequate wages and infrastructure facilities to them.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellant is not specific rather general and omnibus in nature. As a matter of fact, the children were starving and on the request of their parents to manage some job for them to meet both the ends by them the appellant and other accused persons got them engaged in the bangle industry with the consent of their parents. During the course of investigation, the I.O. has not recorded statement of any of the parents of the children. Appellant has no criminal antecedent and has been languishing in custody since 19.01.2019.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned Special Judge SC/ST Act, Patna in connection with Shastrinagar P.S. Case No. 81 of 2015, subject to the condition that in case the appellant is found indulged in such type of occurrence in future his bail bond shall stand cancelled.

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

(Prakash Chandra Jaiswal, J)

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