

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4773 of 2018

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

Tanveer Alam @ Tanveer Rahi @ Md. Tanveer Alam, son of Ataur Rahman
Resident of Village- Kurim, P.S.- Baliya Belon, District- Katihar.
... .. Appellant/s

Versus

The State of Bihar Respondent/s

Appearance :

For the Appellant/s	:	M/s Ajay Kumar Thakur Pravin Kumar, Advocates
For the informant	:	Mr. Vivekanand Jha, Advocate
For the State	;	Ms. Usha Kumari No.1, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 25-01-2019 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 22.11.2018 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, Katihar in connection with Azamnagar (Salmari O.P.) P.S. Case No.241/2018 registered under Sections 302, 120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged that one Maruf Alam and other co-accused have killed her husband by firearm.

It has been submitted on behalf of the appellant that



he is innocent and has falsely been implicated in this case on the basis of suspicion and except that, there is nothing against the appellant. It has further been submitted that the deceased himself was a veteran criminal. Appellant is in custody since 08.10.2018.

Learned counsel for the informant has vehemently opposed the prayer for bail of the appellant.

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)

Sanjay/-

U		T	
---	--	---	--

