

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1790 of 2019

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

Safique Haider @ Raja @ Malik Haidar Ashraf Raja S/o Late Abdul Qaiyum
R/o Village- Bijhara, P.S.- Balia Belon, District- Katihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nafisuzzoha

For the Respondent/s : Mr. Binay Krishna

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

ORAL JUDGMENT

Date : 19-06-2019

Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 26.02.2019 passed by learned 1st Addl. Sessions Judge-
cum-Special Judge, Katihar in Azamnagar (Salmari O.P.) P.S.
Case No. 241 of 2018 registered under Sections 302, 120(B)/34
of the Indian Penal Code, Section 27 of the Arms Act and
Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Husband of the informant is said to have left the
house on call of Maroof Alam disclosing to the informant that



appellant and other accused are sitting for holding Panchayati. Her husband was gunned down by the accused persons by hatching conspiracy.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case only on suspicion. He is not named in the FIR. The informant does not happen to be the eye witness of the occurrence. There is nothing on record indicating the complicity of the appellant in the occurrence. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent and has been languishing in custody since 28.12.2018. Similarly situated co-accused, namely, Md. Meraj Alam @ Meraj Alam @ Md. Miraj Alam @ Miraj Alam has been enlarged on bail by this Court vide order dated 13.05.2019 passed in Cr. Appeal (SJ) No. 1982 of 2019 while several other accused persons have been enlarged on bail by a co-ordinate Bench of this Court.

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 enlarged on bail on



furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned learned 1st Addl. Sessions Judge-cum-Special Judge, Katihar in Azamnagar (Salmari O.P.) P.S. Case No. 241 of 2018.

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

(Prakash Chandra Jaiswal, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20-06-2019
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