

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1982 of 2019

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

MD. MERAJ ALAM @ MERAJ ALAM @ MD. MIRAJ ALAM @ MIRAJ ALAM Son of Late Allauddin @ Md. Alauddin Resident of Village - Nandiyar Shikarpur, P.s.- Balia Belone, dist.- Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Rahmatullah
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

Date : 13-05-2019

1. Heard learned counsel for the appellant and learned Spl. P.P. for the State.

2. 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 16.04.2019 passed by learned 1st Additional Sessions Judge-cum-Spl. Judge, SC/ST (Prevention of Atrocities) Act, Katihar in G.R. No. 4407 of 2018 (Azam Nagar P.S. Case No. 241 of 2018) registered under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act and also under Section 3 (2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.



3. 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.

4. It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has no concern with the aforesaid occurrence. Appellant has been falsely implicated in this case only on suspicion. The informant does not happen to be the eye witness of the occurrence. Deceased was a person of criminal antecedents. There is nothing on record indicating the complicity of the appellant in occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no eye witness of the occurrence. Appellant has no criminal antecedent. Appellant has been languishing in custody since 12.4.2019. Similarly, situated other co-accused namely Maruf Ahsan @ Maruf Alam, Tanveer Alam @ Tanveer Rahi @ Md. Tanveer Alam, Sakir @ Sabbar @ Sabar and Nirmal Bubna have been enlarged on bail by co-ordinate Bench of this Court in CR. Appeal (SJ) No. 45 of 2019, CR. Appeal (SJ) No.4773 of 2018, CR. Appeal (SJ) No.167 of



2019,CR. Appeal (SJ) No.725 of 2019 vide order dated 26.02.2019, 25.01.2019, 20.02.2019 and 26.03.2019 respectively.

5. Learned Spl. P.P. for the State opposed the prayer for bail.

6. 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 Additional Sessions Judge-1st- cum- Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities)Act, Katihar in connection with Azam Nagar P.S. Case No. 241 of 2018 (G.R. No. 4407 of 2018).

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

(Prakash Chandra Jaiswal, J)

T.Kr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2019
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