

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2068 of 2019**

Arising Out of PS. Case No.-227 Year-2018 Thana- BARHARIA District- Siwan

RAHMAT ANSARI Son of Abdul Haque Resident of Village- Habibpur, P.S.-
Barharia, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Sadanand Paswan

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

ORAL JUDGMENT

Date : 17-05-2019

Heard learned counsel for the appellant and learned

Spl. P.P. for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, against the refusal of prayer for bail vide order dated 22.04.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan Barharia P.S. Case No. 227 of 2018 registered under Sections 506, 34 of the Indian Penal Code and Sections 3 (I) (r) (s) and 3 (2) (va) of the SC/ST P.O.A. Act.

Three accused persons namely Fateh Waris Haque Sukath, Saddam Hussain and Hajrat hurled cow dung and dirty water on the father of the informant and on making complain by informant and his brother rest nine accused persons named in the



F.I.R including this appellant started assaulting them and when his father rushed in his rescue they assaulted him by means of lathi and leg which proved fatal.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Doctor has found only one bruise injury on the back of the deceased as ante mortem injury and assailant of the said injury is not ascertained. Appellant has no criminal antecedent. Similarly, situated several co-accused persons have been enlarged on bail by different co-ordinate Bench of this Court. Appellant has been languishing in jail custody since 03.04.2019

Learned Spl. P.P. 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 1st Additional Sessions Judge-cum- Special Judge, Siwan in connection with Barharia P.S. Case No. 227 of 2018.



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

(Prakash Chandra Jaiswal, J)

T.Kr./-

AFR/NAFR	NAFR
CAV DATE	NA
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