

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.134 of 2019

Arising Out of PS. Case No.-122 Year-2018 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Md. Mehrajuddin, son of Jamsed Miya, Resident of Village - Mastalipur,
P.S.-Mohiuddinnagar, District - Samastipur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Abhay Shankar Singh
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 23-01-2019 Heard learned counsel for the parties.

This is an appeal under Section14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 26.11.2018 passed by the learned Special Judge, SC/ST Act, Samastipur in connection with Mohiuddinnagar P.S. Case No.122 of 2018 registered under Sections 147, 148, 149, 323, 341, 354, 447, 504 and 506 of the Indian Penal Code and Sections 3(i)(r) and 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant has alleged that on 03.08.2018 at 10.30 a.m. her minor daughter Mamata Kumari went to the nearby field for throwing the garbage, then the appellant tried



to hold and get her away with a bad intention. Thereafter, she loudly cried and when she came out, he left her and fled away. When she told about the incident to the villagers, the family members of appellant armed with bamboo, khanti, lathi, danda etc, came and the appellant assaulted and undressed her. When her husband came to save her, all persons badly injured him. They also abused their family members by calling in caste name. The accused persons also threatened the informant and her family members to leave the village, otherwise, they will be killed.

It has been submitted on behalf of the appellant that he is innocent and has falsely been implicated in this case due to land dispute between the parties. It has further been submitted that there is no specific allegation of any overt act against the appellant. Appellant is in custody since 12.10.2018.

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/-

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