

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.167 of 2019

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

Sakir @ Sabbar @ Sabar Son of Mohiuddin resident of village- Nandiyar,
police Station -Balua Belon, District- Katihar

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Prasad Singh

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 20-02-2019 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 **19.11.2018** passed by learned **1st Additional Sessions Judge cum Special Judge, Katihar**, in connection with **G.R. Case No. 4407 of 2018 arising out of Azamnagar P.S. Case No. 241 of 2018** registered under Sections 302/120B/34 of the IPC, Section 27 of the Arms Act and Section 3(2)(V) of SC/ST (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 been falsely implicated in this case on the



basis of suspicion and except that there is nothing against the appellant. It has been further submitted that the deceased himself was a veteran criminal. Similarly, situated co-accused person has been granted bail by this Court vide order dated 25.01.2019 passed in Criminal Appeal (SJ) No. 4773 of 2018. Appellant has got no criminal antecedent and is in custody since 08.10.2018.

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)

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