

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4437 of 2018

Arising Out of PS. Case No.-417 Year-2013 Thana- FORBESGANJ District- Araria

Mir Aslam S/o - Mir Sajjad Resident of Village- Rewahi, Ward No. 8, P.S.
Narpatganj, District- Araria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 09-01-2019 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 15.10.2018 passed by learned 1st Additional Sessions Judge-cum-Special Court, Araria, in Forbesganj P.S. Case No. 417 of 2013 registered under Sections 406, 420, 464, 467, 323, 379, 120B of the Indian Penal Code and Section 3/4 of the SC/ST Act.

Informant had filed a complaint case in the court of C.J.M., Araria, alleging that accused Nos. 1 and 2 came to their house and took his son with assurance to get him employed in Bangalore and he will be given sufficient wages and after six months he will come back with a saving of Rs. 50,000/-, however, subsequently when the informant enquired from them



about his son, they refused to give any details and whereabouts of his son and demanded Rs. 50,000/- to bring his son back and also assaulted and abused him by his caste name. The case was referred to the police for institution of FIR under Section 156(3) of Cr.P.C. The main allegation in the complaint case is against accused No. 1 Mir Shakil and accused No. 2 Mir Talib. In the complaint case, there is no specific allegation of any overt act made against appellant. Appellant is in custody since 30.07.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with 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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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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