

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4118 of 2019**

Arising Out of PS. Case No.-198 Year-2019 Thana- MIRGANJ District- Gopalganj

1. Sabir Ali @ Jilani @ Sabir Son of Late Atar Hussain Resident of Village - Bansi Batarahan, (Girdhar Parsa), P.S.- Phulwaria (Shripur O.P), Dist.- Gopalganj.
2. Firoj Ansari Son of Shoukat Ali @ Shaukat Ali Resident of Village - Kamlaskant Karariya, P.S.- Phulwaria, Dist.- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Lokesh Kumar Singh
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 30-09-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

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 28.08.2019 passed by learned 1st Addl. Sessions Judge, Gopalganj in Mirganj P.S. Case No. 198 of 2019 registered under Sections 341, 323, 506, 354, 504/34 of the Indian Penal Code, Section 67(A) of the I.T. Act and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with four other named accused



persons have edited photographs of the informant and her sister and posted their obscene photographs and message on the facebook and whatsapp account of co-accused Vivek Kumar and Arman Khan and made it viral. They also assaulted the brother of the informant calling him in the Mirganj. However, other accused persons managed to escape while the appellants were apprehended. They also extended threatening of dire consequence to her husband.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case merely because they had intervened the assault made on co-accused Rishabh Kumar, who happens to be their co-villager by the son of the informant and others in the Mirganj market. No incriminating article has been recovered from conscious physical possession of the appellants. Learned court below after perusal of the case diary has found that the fake I.D. was created by co-accused Arman Khan in the name of Vivek Kumar and accused Vivek Kumar had posted obscene photographs and videos of the informant and her sister on the social media. Appellants have no concern with the aforesaid occurrence. Appellants have been languishing in custody since



12.08.2019.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Gopalganj in Mirganj P.S. Case No. 198 of 2019.

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

(Prakash Chandra Jaiswal, J)

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