

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.154 of 2019**

Arising Out of PS. Case No.-45 Year-2018 Thana- PARSA District- Saran

Munna Mian @ Danish Eqbal, Son of Abbas Mian Md. Abbas, Resident of
Village-Harpur, Parsa, P.S. Parsa, District.-Saran

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar, Adv.

For the Respondent/s : Mr.Smt Usha Kumari No-1 (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 05-03-2019

Heard the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for bail by order dated 02.11.2018 passed by learned Special Judge, SC/ST Act, Saran at Chapra, in connection with G.R. Case No. 2193 of 2018 arising out of Parsa P.S. Case No. 45 of 2018, registered under Sections 302, 120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 (2) (VR) of SC /ST Act.

Informant has stated in her fardbeyan that her husband was Chawkidar of the police station who has been killed by firing and she suspected that he has been killed by veteran criminals as he had reported against them and was also witness in which they have been made accused. She has stated



that she suspected that Lal Babu Mian, who is in jail custody was instrumental in getting her husband killed for the reasons that they have long pendency dispute between them. She has also raised suspicion against petitioner as Maina Devi whose house was raided on the information given by deceased, who used to trade in illicit liquor and thereafter her house has been sealed and she threatened that on the behest of petitioner she will get his husband killed. She has further stated that Sandip Ojha, Munna Mian, Sikari Rai and 2-3 unknown criminal have killed her husband for the reasons as stated above.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. Except suspicion there is nothing against him. It has been further submitted that similarly placed co-accused Maina Devi, Md. Abbas Mian and Lal Babu Mian have already been granted bail by co-ordinate bench of this Court which has been enclosed as Annexure-4. Petitioner is in custody since 05.10.2018.

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/- (twenty thousand) 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 Court and their absence on two consecutive dates without sufficient reasons, 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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