

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4585 of 2018

Arising Out of PS. Case No.-487 Year-2018 Thana- NARPATGANJ 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.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 10-01-2019 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 Spl Judg, Araria**, in connection with **Spl SC/ST Case No. 168 of 2018 arising out of Narpatganj P.S. Case No. 487 of 2018** registered under Sections 341, 323, 354B, 365, 367/34 of the IPC and Section 3(i)(r)(s)(v)(w)(i) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged in her written complaint that FIR named three accused enticed away her Father-in-Law on the promise of getting a job of Rs. 5000/- in January-2016 but even after much persuasion they refused to give any whereabouts of



her Father-in-Law and he has not returned to his home as yet. Subsequently allegation has been made against co-accused Mir Tousif and Gufran of outraging her modesty and abusing her by caste name. However, no such allegation has been made against the appellant.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to village rivalry. Appellant is in custody since 17.09.2018 and he was remanded in this case from Forbesganj P.S. Case No. 417 of 2013.

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)

ranjan/-

U			
---	--	--	--

