

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4841 of 2018

Arising Out of PS. Case No.-227 Year-2018 Thana- BARHARIA District- Siwan

Fateh Waris Haque @ Sukath, son of Anwar Hussain, Resident of village-
Habib Pur, Police Station- Barharia, District- Siwan.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Irshad Ahmad Khan
For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 08-01-2019 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 06.09.2018 passed by learned 1st Additional Sessions Judge-cum-Special Court, Siwan in Barharia P.S. Case No. 227 of 2018 registered under Sections 302, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) and 3(2)(Va) of the SC/ST Prevention of Atrocities Act.

Allegation against appellant and other co-accused is that they carried mixture of cow dung, soil and sewage water in polythene, came at the door of informant and threw on the person of father of informant and fled away. The informant chased them and went to make complaint to their guardian then all



FIR named accused assaulted him and his father by means of Lathi, Danda, feet and fists, as a result of which father of informant became unconscious and he was taken to Sadar Hospital, Siwan, where he died during treatment.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. There is general and omnibus allegation of assault against appellant. There is land dispute between the parties. It has been further submitted that similarly placed co-accused, namely, Anwar Miya and Hafijulla Ansari have been granted bail by a co-ordinate Bench of this Court as contained in Annexure-3. Appellant has no criminal antecedent and he is in custody since 31.08.2018.

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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