

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.62 of 2019

Arising Out of PS. Case No.-110 Year-2018 Thana- BASANHI District- Saharsa

Md. Islam son of Md. Jamil, Resident of Mahua Bazar, P.S.- Basnahi, District – Saharsa. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kr Singh No.1
For the Respondent/s : Mr. SadaNand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 11-02-2019 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 29.11.2018 passed by the learned Additional District and Sessions Judge, II-cum- Incharge, Special Judge, Excise, Saharsa in connection with Special Case No.545 of 2018 arising out of Basnahi P.S. Case No.110/2018 registered under Sections 341/323/354/504/506 of the Indian Penal Code, Section 3(1)(r)(s)(w)(I) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 37(c) of Bihar Prohibition and Excise Act, 2016.

Informant has stated in her written complaint that while she was returning after seeing the *Mela*, the appellant in intoxicated condition started to pull her Sari and also abused by



her caste name and assaulted by slaps. However, on alarm being raised by her, co-villagers came there and she was rescued.

It has been submitted on behalf of the appellant that he has committed no offence and has been falsely implicated in this case. Appellant has got no criminal antecedent and the matter has already been compromised between the parties.

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.

Sanjay/-

(S. Kumar, J)

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