

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.45 of 2019

Arising Out of PS. Case No.-241 Year-2018 Thana- AAJAM NAGAR District- Katihar

Maruf Ahsan @ Maruf Alam, son of Subhan, Resident of village-
Baishbandha, P.S- Balia Belone, District- Katihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Md. Helal Ahmad
For the Respondent/s	:	Ms. Usha Kumari No.1
For the Informant	:	Mr. Vivekanand Jha
		Mr. A. K. Sinha

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 26-02-2019 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 19.11.2018 passed by the 1st Additional Sessions Judge-cum-Special Judge, Katihar in connection with Azamnagar P.S. Case No.241 of 2018 registered under Sections 302/120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged that one Maruf Alam and other co-accused have killed her husband by firearm.

It has been submitted on behalf of the appellant that



he is innocent and has falsely been implicated in this case on the basis of suspicion and except that, there is nothing against the appellant. It has further been submitted that the deceased himself was a veteran criminal. Appellant has no criminal antecedent and he is in custody since 08.10.2018. Similarly placed co-accused Tanveer Alam @ Tanveer Rahi @ Md. Tanveer Alam has already been granted bail by this Court vide order dated 25.01.2019 passed in Criminal Appeal (SJ) No.4773 of 2018.

Informant has vehemently opposed the prayer for bail of the appellant.

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)

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