

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.4822 of 2018**

Arising Out of PS. Case No.-163 Year-2017 Thana- KALYANPUR District- Samastipur

Md. Shoeyab Anshri @ Ansari @ Md. Shoeb, son of Md. Husain Ansari,  
resident of village- Daulatpur, P.S. Kalyanpur, District- Samastipur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Lovekush Kumar

For the Respondent/s : Mr.Binay Krishna

**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 04.12.2018 passed by Special Judge SC/ST (Prevention of Atrocities) Act, Samastipur in Kalyanpur P.S. Case No. 163 of 2017 registered under Sections 406, 420, 34 of the Indian Penal Code and Section 3(2)(Va) of the SC/ST Prevention of Atrocities Act, 1989.

Informant has alleged that their passbook was taken by the appellant and his wife who is Ward Member of the Panchayat in order to facilitate payment of Rs. 50,000/- under Pradhan Mantri Awas Yojna and when the money was transferred in their account, they insisted for payment of Rs. 15,000/-.

It has been submitted on behalf of the appellant that he is innocent and has been implicated in this case only because



his wife is Ward Member of Panchayat. Allegations are false, concocted and politically motivated. Appellant has no criminal antecedent and he is in custody since 20.11.2018.

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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