

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.663 of 2020**

Arising Out of PS. Case No.-993 Year-2019 Thana- SAHARSA District- Saharsa

MD. IBRAHIM GARDI @ MD. IBRAHIM Son of Md. Allauddin Resident  
of Village - Bherdhari, Police Station - Saharsa, District - Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Uday Chand Prasad, Advocate  
For the Respondent/s : Mrs.Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

2      18-02-2020                      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 vide order dated 17.12.2019 passed by the learned Additional Sessions Judge III-cum-Special Judge (S.C./S.T. Act), Saharsa, in connection with Special Case No.307 of 2019, arising out of Saharsa Sadar Police Station Case No.993 of 2019, registered under Section 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(v2)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Informant is not an eyewitness of the occurrence. Even if the FIR is believed, allegation of causing fire-arm injury to the wife of the informant is against co-accused Md. Aftab and



his associate and not against the appellant, who was known to the informant.

Considering the aforesaid facts, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and appeal is allowed.

**(Birendra Kumar, J)**

Mkr./-

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