

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1122 of 2020

Arising Out of PS. Case No.-202 Year-2019 Thana- PHULWARIYA District- Gopalganj

ASARAF ANSARI Son of Late Jagu Ansari Resident of Village - Harihara,
P.S.- Fulwaria, District - Gopalganj.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Yogendra Prasad Sinha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 02-06-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 06.02.2020 passed by learned Addl. District and Sessions Judge-1st-cum-Special Judge SC/ST, Gopalganj in connection with Fulwaria P.S. Case No. 202 of 2019 registered under Sections 147, 148, 149, 323, 324, 354, 354(A), 379, 504, 506 of the Indian Penal Code and Section 27 of Arms Act and Section 3(i)(r)(s)(w)/3(2) (va) SC/ST Act.

Allegation against appellant and other co-accused



persons is that all of them assaulted the informant and his family members with lathi and danda, as a result of which they sustained injuries.

It has been submitted on behalf of the appellant that appellant is innocent and has been falsely implicated in this case at the instance of his enemy. Appellant has not been attributed of any role in committing the alleged offence rather he is only one of the members of the mob. Appellant has no criminal antecedent and is in custody since 14.01.2020.

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/-(twenty thousand) 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 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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