

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1118 of 2020

Arising Out of PS. Case No.-50 Year-2019 Thana- SC/ST District- Begusarai

MD. FATEH @ MD. FATEH ALAM @ FATEH ALAM, Son of Late Md. Isamul Haque @ Late Md. Isamul, Resident of Village - Aijani, P.S. - Khodawandpur, District - Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mrityunjay Kumar, Adv.
For the Respondent/s : Mr.Usha Kumari 1(APP)

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 14B of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for bail by order dated 19.02.2020 passed by learned Special Judge SC/ST (P.O.A.) Act, Begusarai, in connection with Begusarail S.C./S.T. P.S. Case No. 50/2019 G.R. No. 788 of 2019 registered under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s), 3(2) (va) of SC/ST (POA) Act.

Informant has stated that while he along with his bother Tuntun Paswan doing some work in front of his house,



then appellant including other co-accused came armed with lathi, bricks and iron rod started abusing him by caste name and asked to vacate the land. On raising objection, all accused assaulted him as a result of which he got badly injured and accused took Rs. 10,000/- from his brother and ornaments from the hut.

It has been submitted on behalf of the appellant that appellant is innocent and has been falsely implicated in this case due to dirty village politics. There is land dispute between the parties. There is no injury report available on the record. Appellant has no criminal antecedent and is in custody since 07.02.2020.

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)

veena/rajiv

U		T	
---	--	---	--

