

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4045 of 2019**

Arising Out of PS. Case No.-164 Year-2015 Thana- DHURAIYA District- Banka

1. MD. KHURSHID ALAM @ KHURSHID Son of Late Abdul Hanif @ Hamid Resident of Village- Nanani Pair, P.S.- Dhuraiya, District- Banka.
2. Md. Tahir @ Md. Tahoor @ Md. Tayeer Son of Md. Badruddin @ Bouju Resident of Village-Nanani Pair, P.S.-Dhuraiya, District-Banka.
3. Md. Irfan Son of Late Riyasuddin Resident of Village- Nanani Pair, P.S.- Dhuraiya, District- Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Satya Veer

For the Respondent/s : Mr. Sadanand Paswan

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

4      05-02-2020      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 refusal of the prayer for anticipatory bail vide order dated 23.5.2019 in A.B.P. No. 731 of 2019, passed by learned 1<sup>st</sup> Addl. Sessions Judge, Banka in connection with Tr. No. 630/2019, arising out of Dhuraiya P.S. Banka Case No. 164 of 2015, registered under Sections 341, 323, 325, 504/34 of the Indian Penal Code as well as under Section 3 (1) (x) of the S.C./S.T. Act.

Appellant No. 1 Md. Khurshid Alam was not sent up



for trial after investigation of the case, whereas appellant Nos. 2 and 3 Md. Tahir and Md. Irfan are already on police bail.

Since after investigation, appellant no. 1 (Md. Khurshid Alam) was not sent up for trial, let the appellant No. 1, Md. Khurshid Alam, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant No. 1 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 No. 1 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below and also appellant No.1 shall not leave the country without permission of the learned trial Judge.

Appellant Nos.2 and 3 are already on bail. Hence their prayer for anticipatory bail is dismissed as not maintainable.



However, in the event of their appearance before the Magistrate, the Magistrate shall consider that they have not misuse the privilege of bail granted by the police.

Accordingly, the appeal is partly allowed and partly dismissed.

**(Birendra Kumar, J)**

GAURAV S./-  
Ranjeet

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