

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1393 of 2021

Arising Out of PS. Case No.-35 Year-2018 Thana- KHUSRUPUR District- Patna

MD. ARMAN @ MD. ARMAN ALI Son of Md. Riyasat Ali Village - Hardas
Bigha, P.S. - Khushrupur, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Pathak, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-03-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 02.12.2020 passed by learned 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Patna in connection with Special Case No. 106 of 2018 arising out of Khushrupur P.S. Case No. 35 of 2018 registered under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (i) (r) (s), 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case is that on 02.03.2018, two accused



persons were sealing wine near the house of informant which was objected by her husband upon which on the order of appellant, co-accused Baua caught her husband and Gulfan fired upon her husband. The husband of the informant died in the way to the hospital.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that there is no allegation against him of any overt act. He submits that appellant is only an order giver. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 01.09.2020.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District and Sessions Judge-cum- Special Judge, SC/ST Act, Patna in connection with Special Case No. 106 of 2018 arising out of Khushrupur P.S. Case No. 35 of 2018.



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

(Anjani Kumar Sharan, J)

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