

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1095 of 2021**

Arising Out of PS. Case No.-404 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

MD. RAFID ANSARI @ MD. RASID S/o- Md. Lalu Ansari Resident of
Village - Majholi Dharmdas Ward No. -8, P.S. - Sadar, Dist. - Muzaffarpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Kumari Sujata Sinha
For the Respondent/s : Mr.Binay Krishna.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 02-03-2021 Heard learned counsel for the appellant and the State.

The present memo of appeal has been filed on behalf of the appellant for grant of bail against the order dated 10.12.2020 passed by learned Additional Sessions Judge III-cum-Special Judge (SC/ST Act), Muzaffarpur in connection with Sadar P.S. Case No. 404 of 2020 under Sections 147, 148, 149, 341, 324, 326, 307 and 302 of the Indian Penal Code and section 3(I)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for bail of the appellant was rejected.

Prosecution case in brief is that all the FIR named accused persons including this appellant having armed with deadly weapon came and started abusing the sons of informant.



Co-accused Md. Jahangir assaulted Rameshwar Ram cousin brother of informant by means of knife and also assaulted Munil Ram the elder son of informant, as a result of which both of them sustained injury and during course of treatment Munil Ram died.

It is submitted on behalf of the appellant that allegation of assault is against other co-accused Md. Jahangir. No specific overt act has been alleged against this appellant. He is only alleged to be the member of mob. No case under SC/ST Act is made out. Appellant has got clean antecedent and is in custody since 04.12.2020. Chargesheet has already been submitted.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 10.12.2020 passed by learned Additional Sessions Judge III-cum-Special Judge (SC/ST Act), Muzaffarpur is set aside.

Let the appellant above-named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge III-cum-Special Judge (SC/ST Act), Muzaffarpur in connection with Sadar P.S. Case No. 404 of 2020, subject to following conditions:-



(i) The appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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