

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1890 of 2021**

Arising Out of PS. Case No.-97 Year-2020 Thana- WARISLIGANJ District- Nawada

Kausar Khan S/o- Late Hassan Khan Resident of Village- Muzlachak, Ward No.-5, P.S.- Warisaliganj, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar, Advocate
For the Respondent/s : Mr. Vinay Krishna, SPP

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

2 06-07-2021 Heard the parties in virtual Court proceeding.

Let the defects, if any, be removed within four weeks
of the start of the physical Court.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 20.01.2021 passed by the learned Additional Sessions Judge-I-cum-Special Judge (S.C./S.T. Act), Nawada, in connection with Special Case No.68 of 2020, arising out of Warisaliganj Police Station Case No.97 of 2020 registered under Sections 147/148/149/341/323/307/504/506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



The appellant is member of the mob named at serial No.24 of the FIR. The mob consisted of 20-25 unknown persons besides 28 named.

Submission is that specific allegation of commission of murderous assault is against co-accused Md. Irfan.

Considering the aforesaid facts and completion of investigation, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.

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

(Birendra Kumar, J)

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