

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2500 of 2021

Arising Out of PS. Case No.-209 Year-2020 Thana- AANDAR District- Siwan

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1. REYAZUDDIN ALI @ REYAZUDDIN S/O SHAMSHAD MIAN R/o village- Gay Ghat, P.S.- Andar, District- Siwan
 2. Md. Hanif @ Nepali Ram @ Md. Hanif Ali S/o Bhuteli Mian @ Bhuteli Miya R/o village- Gay Ghat, P.S.- Andar, District- Siwan

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satyendra Rai

For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the appellants and the State.

The present memo of appeal has been filed on behalf
of the appellants for grant of bail against the order dated
12.02.2021 passed by learned Additional Sessions Judge Ist-
cum-Special Judge, Siwan in connection with Andar P.S. Case
No. 209 of 2020 under Sections 341, 323, 386, 504, 506, 307/34
of the Indian Penal Code, section 27 of the Arms Act and
section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, whereby the prayer for bail
of the appellants was rejected.

Prosecution case in brief is that on the alleged date



and time of occurrence, appellants and other co-accused by making unlawful assembly came at the shop of informant and abused him by calling his caste name and exhorted to kill the informant as he has not paid ransom of Rs. One lakh, on such instigation, co-appellant Tais Ali fired upon the informant causing injury on his chest, cheek and face. When Jitendra Shah (cousin brother of informant) came to rescue, co-appellant Nausher Ali fired upon him causing injury on his mouth and co-appellant Md. Azahrudin fired also fired upon him causing injury on his face.

It is submitted that these two appellants are not alleged to have caused any firearm injury to the prosecution side. Firearm injuries have been caused by other co-accused persons. No case under SC/ST Act is made out, as the alleged occurrence has not taken place within public view. Appellants are having clean antecedent and they are in custody since 13.12.2020. Chargesheet has already been submitted.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 12.02.2021 passed by learned Additional Sessions Judge Ist-cum-Special Judge, Siwan, is set aside.

Let the appellants above-named, be released on bail



on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge Ist-cum-Special Judge, Siwan in connection with Andar P.S. Case No. 209 of 2020, subject to following conditions:-

(i) The appellants 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, their bail bond shall be liable to be cancelled by the court below.

(ii) If the appellants tamper 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 appellants.

(Prabhat Kumar Singh, J)

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