

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2572 of 2021

Arising Out of PS. Case No.-29 Year-2020 Thana- DHANAHA District- West Champaran

Mirhasan Miyan aged about 22 years Son Of Sakir Miayn @ Bhikhari R/O-
Vill.- Barawa, Ps.- Dhanaha, Dist- West Champaran

... .. Appellant

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr.Ashok Kumar Gupta, Advocate
For the Respondent : Mr. Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-06-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the appellant and the State.

The present appeal is directed against the order dated
5.11.2020, passed by the Additional Sessions Judge I cum
Special Judge, West Champaran, Bettiah in a case registered for
the offence punishable under Sections 341/323/504/34 of the
Indian Penal Code and Section 3 (i) (r)(s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989, whereby bail of the appellant has been rejected.

As per the prosecution case, informant Ramdevi Ram
gave Rs. 1 lac to the appellant for purchase a piece of land but
the appellant neither executed the land nor did he return the
money and when she went to his house demanding her money,
appellant and his family members abused the informant by



calling her caste name. They also assaulted the informant by fists and slaps.

Learned counsel for the appellant submits that in fact appellant's father Shakir Miyan was ready to sale his land to the informant and not the appellant and the appellant never took money from the informant for the transaction of the aforesaid land. Appellant has got no criminal antecedent as stated in paragraph 3 of the bail petition and he is in custody since 15.10.2020.

Learned counsel for the state opposes the prayer for bail and submits that the appellant also participated in the alleged occurrence.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 5.11.2020, is set aside.

Accordingly, the appellant, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I cum Special Judge, SC/ST Act, West Champaran at Bettiah in Dhanaha Police Station Case No. 29 of 2020, on the following conditions:-



(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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