

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2988 of 2021**

**In
CRIMINAL MISCELLANEOUS No.17901 of 2021**

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

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Md. Islam @ Md. Islam Ansari S/O Late Md. Sattar R/O Village-Majhauri
Dharamdas Ward No.8, P.S-Sadar, District-Muzaffarpur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Md. Anis Akhtar, Advocate

For the Respondent/s : Ms.Usha Kumari 1, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 02-08-2021

I.A. No. 01/2021

For the reasons stated in the application, the delay, if any,
is condoned.

I.A. No. 01 of 2021 is, thus, allowed.

Heard learned counsel for the appellant and Ms. Usha
Kumari 1, learned Spl.P.P. for the State.

The appellant in the present case is seeking setting aside
of the order dated 22.07.2020 (G.R. No. 206 of 2020) passed by
learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST
Act), Muzaffarpur in connection with Sadar P.S. Case No. 404 of
2020 registered for the offences punishable under Sections 3(2)(v) of
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act whereby and whereunder the prayer for bail of the appellant was
rejected.

Learned counsel for the appellant submits that as per the prosecution story, all the FIR named accused including this appellant armed with deadly weapons came and had been assaulting the sons of the informant.

Learned counsel submits that the specific allegation of giving fatal knife blow is against the co-accused Md. Jahangir. So far as this appellant is concerned, no specific overt act has been alleged against him.

It is further submitted that the co-accused Md. Rafid Ansari @ Md. Rasid and Abdul Salam have been granted privilege of bail by a learned Co-ordinate Bench of this Court as well as by this Court in Cri. Appeal (SJ) No. 1095 of 2021 and Cri. Appeal (SJ) No. 349 of 2021 respectively.

Although learned Spl.P.P. for the State has opposed the prayer for bail of the appellant but considering the facts and circumstances of the case and that the appellant is similarly situated to the co-accused who have been granted privilege of bail by learned Co-ordinate Bench of this Court as well as by this Court, there being no other distinction brought to the notice of this Court, this Court sets aside the impugned order and directs the release of the appellant above named on bail on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Muzaffarpur in

connection with Sadar P.S. Case No. 404 of 2020 (G.R. No. 206 of 2020), subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This appeal stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.