

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3010 of 2021**

Arising Out of PS. Case No.-219 Year-2020 Thana- BUXAR INDUSTRIAL District- Buxar

MUMTAJ KHAN S/o Muslim Khan @ Musa Resident of Village- Sarimpur,
P.S.- Buxar (Ind.), District- Buxar.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha, Advocate
For the Respondent : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 08-09-2021 Let the defects be removed within four weeks of the
start of the physical Court.

Heard the parties in virtual Court proceeding.

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 by order dated 06.04.2021 passed by the learned Additional Sessions Judge-1st cum Special Judge, Buxar in connection with SC/ST Case No. 142 of 2020 arising out of Buxar (Ind) P.S. Case No. 219 of 2020 registered under Sections 302, 504, 506/34 of the I.P.C., Section 27 of the Arms Act and Section 3(i)(r)(s)/3(2)(v) of the SC/ST Act.

The FIR was lodged on recovery of dead body of the son of the informant. Only circumstantial evidence against the appellant and others is of last seen along with the deceased.



There is no eye witness of the actual occurrence. Appellant is in custody since 12.12.2020. Investigation of the case is already complete.

Considering the facts aforesaid, let the appellant, above named, be released on bail, on furnishing bail bonds 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 the appeal is allowed.

(Birendra Kumar, J)

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