

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2186 of 2020

Arising Out of PS. Case No.-33 Year-2018 Thana- SC/ST District- Banka

Md. Mosrrat @ Md. Musarrat Alam @ Musarrat Alam S/o Md. Alamgir,
resident of village- Chihar, Police Station- Barahat, District- Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Najmul Hodda, Adv.

For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 05-03-2021 Heard learned counsel for the appellant and learned
counsel for the State.

The appeal is admitted.

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 16.03.2020 passed by Additional Sessions Judge-cum-Special Judge (SC/ST), Banka in connection with Banka SC/ST P.S. Case No. 33 of 2018 registered for offence punishable under sections 420, 120(B), 467, 468, 386 of the Indian Penal Code and sections 3 (x) (i) of SC/ST Act whereby and whereunder the prayer for anticipatory bail made on behalf of the appellant has been rejected.

Allegation has been made that a complaint has been filed and the name of the appellant has been added there that he was also involved in illegal cultivation of land and hurling abuses.

Learned counsel for the appellant submits that save and



except the name of the appellant is there, there is nothing against him in the complaint petition to indicate that he has in any manner acted in committing any crime against the informant.

Looking to the facts and circumstances of the case, the impugned order dated 16.03.2020 is set aside and the appellant above named, in the event of arrest or surrender before the court below within six weeks from today, is directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-cum-Special Judge (SC/ST), Banka in connection with Banka SC/ST P.S. Case No. 33 of 2018, subject to the condition that one of the bailors of the appellant shall be his close relative. The appellant will not induce any witness or tamper with the evidence. The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court. In case of failure on two consecutive dates without any valid reason, the court below shall be at liberty to cancel the bail bonds of the appellant.

Accordingly, this appeal is allowed.

(Shivaji Pandey, J)

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