

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3884 of 2021**

Arising Out of PS. Case No.-146 Year-2020 Thana- JANTA BAZAR District- Saran

AAWEZ HUSSAIN @ AAWEZ AHMAD S/o Sarfaraj Ahmad R/o- Near
Masjid, Mishravaliya, Shakra, District- Siwan, Shakra, Bihar- 841506

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Syed Asfar Alam, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr.Arif Daula Siddiquie, Adv.
		Mr.Afaq Ahmad Siddiqui, Adv.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 14-12-2021 **Re:- I.A. No.1 of 2021**

This interlocutory application has been filed for condoning the delay of four and a half months in filing this appeal.

Considering the grounds taken in the Interlocutory application, the delay of four and a half months in filing this appeal is hereby condoned.

Accordingly, I.A. No.1 of 2021 stands allowed and disposed of.

Re:- Cr. Appeal (SJ) No.3884 of 2021

Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State through virtual mode.



This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 06.01.2021, passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Janta Bazar P.S. Case No.146/2020, registered under sections 147, 148, 149, 447, 341, 302, 120B, 506 of the IPC, section 27 of the Arms Act and sections 3(1)(r) (s), 3(2)(v) of the SC and ST (Prevention of Atrocities) Act.

The prosecution case in brief, is that nearly 14 persons came to the informant's house and asked his brother Shrawan Kumar to go with them, as somebody was calling him. It is alleged that while he was on way, co-accused Pushkar Pandey has caused the fatal gun-shot injury on the chest of the informant's brother.

It is submitted by learned counsel for the appellant that the appellant is quite innocent and has been falsely implicated in this case. There is general and omnibus allegation against the appellant. The specific allegation of firing, as per the prosecution case, is against one Pushkar Pandey. The appellant is said to be a member of mob but has no specific role in the alleged occurrence. By way of supplementary affidavit, learned



counsel for the appellant has brought on record the orders passed by co-ordinate Benches of this Court whereby similarly situated co-accused Chhotelal Manjhi and Ravi Kumar @ Rabi Kumar have been granted bail vide order dated 24.06.2021 passed in Cr. Appeal (SJ) No.2611 of 2021 & Cr. Appeal (SJ) No.2347 of 2021 respectively and one co-accused Mritunjay Pandey @ Rudal Pandey has also been granted bail vide order dated 08.07.2021 passed in Cr. Appeal (SJ) No.1913 of 2021. The appellant has been languishing in custody since 7.12.2020.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

In the facts and circumstance of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Janta Bazar P.S. Case No.146/2020.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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