

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.279 of 2021**

Arising Out of PS. Case No.-227 Year-2018 Thana- BARHARIA District- Siwan

PYARE Son of HAFIZULLAH ANSARI Resident of Village - Habibpur,
P.S.- Barharia, Distt.- Siwan.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Prabhakar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P

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

2 08-03-2021 Learned counsel for the appellant undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

The appellant in the present case is seeking to set aside the order dated 10.09.2020 passed by learned Additional Sessions Judge-1st-cum-Special Judge, Siwan in connection with Barharia P.S. Case No. 227 of 2018 registered for the offences punishable under Sections 3(i)(r)(s), 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

Learned counsel for the appellant submits that as per the F.I.R. when the father of informant was sleeping, the



appellant and other co-accused came on bike and threw sewerage water on him. The informant along with his brothers caught them and took them to their house to complain, the appellant and other co-accused started assaulting them and when the father of the informant tried to save them, all the co-accused assaulted his father by lathi, danda and fist, who fell down and became unconscious. He was taken to the hospital but he died in course of treatment.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case due to land dispute. It is further submitted that the similarly situated co-accused have been granted bail by learned coordinate Benches of this Court. Learned counsel submits that the appellant has got no criminal antecedent and he is in custody since 01.09.2020

Mr. Sadanand Paswan, Spl. P.P. for the State is present and has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the appellant that there are general and omnibus kind of allegations against altogether 13 named accused in the F.I.R., it is alleged that all of them were assaulting the deceased, however the post-



mortem report shows only one bruise injury on the back of the body of the deceased and the similarly situated accused have been granted regular bail by learned coordinate Benches of this Court in Cr. Appl. (SJ) No. 4181 of 2018 and Cr. Appl. (SJ) No. 424 of 2021, the appellant has otherwise no criminal antecedent, the impugned orders are hereby set aside.

Let the appellant be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, Siwan in connection with Barharia P.S. Case No. 227 of 2018, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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 antecedents 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The appeal stands disposed of accordingly.

(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'.

