

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3850 of 2021

Arising Out of PS. Case No.-106 Year-2021 Thana- KHAGARIA District- Khagaria

Md. Jahid S/O Md. Jakir R/O Village-Rangpura, P.S-Mirganj, District-Purnia.
... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-12-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 17.06.2021 passed by learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 106 of 2021 registered under Sections 302, 379 of the Indian Penal Code and Sections 3 (2) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case is that some unknown criminals hired the vehicle and killed the son of the informant by



throttling and looted the vehicle.

It is submitted by learned counsel for the appellant that appellant is innocent, not named in the FIR and has been falsely implicated in this case. He submits that appellant has been made accused in this case on the basis of confessional statement of Abid Hussain. No incriminating article has been recovered from the possession of this appellant and no TIP has been done as yet. He submits that no case under SC/ST Act is made out, as there is no allegation that this appellant has abused the informant by caste name. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner. He submits that similarly situated co-accused have been granted privilege of bail by this Court in Cr. Appeal No. 3246 of 2021 on 17.08.2021. He further submits that appellant has no criminal antecedent as stated in this appeal and he is languishing in judicial custody since 22.02.2021.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 106 of 2021, subject to the conditions:

(1) that one of the bailors will be a close relative of the appellant, who will give an affidavit giving genealogy as to who he is related with the appellant. He will also undertake to inform the court if there is any change in the address of the appellant.

(II) that the appellant will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the appellant will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the appellant is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.



Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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