

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.429 of 2021

Arising Out of PS. Case No.-130 Year-2018 Thana- CHENARI District- Rohtas

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1. Sahban Ansari Son of Mohamad Hussain Ansari Resident of Village Pewandi, P.S. Chenari, District - Rohtas (Sasaram).
 2. Pankaj Mishra Son of Ram Umesh Mishra Resident of Village New Hatta, P.S. Chenari, District - Rohtas (Sasaram).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shivjee Singh, Advocate
For the State : Spl PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-03-2021 Heard learned counsel for appellants and learned Spl. PP for the State.

Learned counsel for the appellants is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The appellants have preferred the present appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016 against the refusal of prayer for regular bail vide order dated 14.10.2020 passed by learned Additional Sessions Judge-1-cum-Special Judge (SC/ST POA Act), Rohtas at Sasaram in Chenari P. S. Case No 130 of 2018 registered under Sections 147,148,149,302 and 120B of the Indian Penal Code Sections 3(2) (v) of the SC & ST Act.



There is an allegation in the First Information Report of killing of the informant's brother by the co-accused Sonu Sharma and appellants along with 2-3 unknown persons.

Learned counsel for the appellants submits that appellants have falsely been implicated in this case. The inquest report (Annexure-2) of the alleged victim suggests death due to accident. On account of such death, the informant and others have obstructed traffic and come in the way of maintenance of law and order for which, they have been made accused by the police in Chenari PS Case No. 131 of 2018, which has been lodged on the same day. The other co-accused person has been allowed anticipatory bail in Cr. App (SJ) No. 4541 of 2018. The appellant No.1 has one prior antecedent by the same informant, wherein, he has been allowed anticipatory bail, whereas appellant No.2 has no criminal antecedents.

The learned Spl PP has opposed the prayer for bail.

Considering the rival submissions, this appeal is allowed. The impugned order dated 14.10.2020 passed by learned Additional Sessions Judge-1st-cum Special Judge, (ST/ST POA Act), Rohtas at Sasaram in Chenari PS Case No. 130 of 2018, is set aside. Let the appellants, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum-Special Judge, (ST/ST POA Act) Rohtas at Sasaram, in Registration No. 50 of 2020, arising out of Chenari PS Case No. 130 of 2018, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellants. The bailor will also



undertake to inform the Court if there is any change in the address of the appellants.

(ii) That the appellants will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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