

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.424 of 2021

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

1. Golden Ansari Son of Anamullah Resident of Village- Habibpur, Police Station - Barharia, District - Siwan.
2. Wasim Ahmad Son of Pan Mian Resident of Village- Habibpur, Police Station - Barharia, District - Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhakar Singh
For the Respondent/s : 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(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for regular bail vide order dated 28.08.2020 passed by learned Additional Sessions Judge-1st -cum Special Judge, Siwan in Barharia PS. Case No. 227 of 2018, registered under Sections 302, 506/34 of the Indian Penal Code, Sections 3(i) (r) (s) and 3(2)(va) of the SC/ST Act.

Though allegation in the First Information report is against thirteenth persons of commission of assault to the



deceased, however, the doctor who performed the postmortem found single bruise on the back of the deceased. The other similarly situated co-accused persons as the appellants have been allowed bail in Cr. Appeal (SJ) No. 4181 of 2018 and analogous cases. Having no criminal antecedents, the appellants are in custody since 26.08.2020 .

The learned Spl. PP has opposed the prayer for bail.

Considering the rival submissions, this appeal is allowed. The impugned order dated 28.08.2020 passed by learned Additional Sessions Judge-1st -cum Special Judge, Siwan, in Barharia PS Case No. 227 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, Siwan in Barharia PS. Case No. 227 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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