

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.860 of 2021

Arising Out of PS. Case No.-260 Year-2017 Thana- BARHARIA District- Siwan

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TANVEER ALAM S/o Mastakalam Master @ Mushtaque Alam R/o village-
Kuriyapur, P.S.- Barharia, District- Siwan

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-05-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State through virtual mode.

The matter relates to grant of anticipatory bail to the appellant in connection with a case registered for the offences under Sections 147, 148, 149, 506 of the Indian Penal Code and Section 3(i)(x) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused persons including the appellant came at the house of the informant and attacked with weapons.

It has been submitted on behalf of the appellant that there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. After investigation, the police has not sent up the

appellant for trial. The court below has differed with the police report and taken cognizance. None is said to have been injured in course of occurrence. Other co-accused persons have been granted anticipatory bail vide Annexure 5 to the present appeal. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 13.11.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan vide A.B.P. No. 2411 of 2020 in connection with Barharia P.S. case No.260 of 2017, is set aside. The criminal appeal is allowed.

Let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Barharia P.S. case No.260 of 2017.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with

two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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