

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 849 of 2021**

Arising Out of PS. Case No.-72 Year-2019 Thana- THAKURGANJ District- Kishanganj

Md Ansarul Son of Bhalsha @ Gyasuddin Resident of Village-Jhilbasti,
Dhulabari, Ward No. -06, P.S. Thakurganj, District - Kishanganj.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant	:	Mr. Diwakar Sinha, Advocate
For the State	:	Mr. Binay Krishna, Spl PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT**

Date : 18-03-2021

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

2. Learned counsel for the appellant is expected to honour 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 to do so.

3. The appellant has 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 18.09.2020 passed by learned Additional District and Sessions Judge 1st-cum -Spl Judge (SC/ST Act), Kishanganj in Thakurganj PS Case No. 72 of 2019 registered under Sections 302, 201 and 34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act.

4. There is an allegation that the informant's father who was on way home on a bicycle has been dragged into the house of co-accused Tajammul Haque @ Tazmul Haque and Tazir. The next day, he has learnt about the father having been killed. The



appellant is one amongst the 10-15 persons who have allegedly beaten his father to death.

5. The learned counsel for the appellant submits that specific allegation by name is attributed against the co-accused Tajammul Haque @ Tazmul Haque and Tazir. The appellant has falsely been implicated as there was a communal issue in the locality at that time, in respect of which, Thakurganj PS Case No 71 of 2019 has been lodged. In order to wriggle out his responsibility and possible implication in the said case, the instant prosecution has been launched. Having no criminal antecedents the appellant is stated to be in custody since 18.08.2020. The two named co- accused, namely, Tajammul Haque @ Tazmul Haque and Tazir have been allowed bail in Cr. Appeal (SJ)No. 4254 of 2019.

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

7. Considering the rival submissions, this appeal is allowed. The impugned order dated 18.09.2020, passed by learned Additional District and Sessions Judge 1st-cum -Spl Judge (SC/ST Act), Kishanganj in Thakurganj PS Case No. 72 of 2019, is set aside. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st-cum -Spl Judge (SC/ST Act), Kishanganj, in Thakurganj PS Case No. 72 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor 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 date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.03.2021
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