

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2120 of 2021

Arising Out of PS. Case No.-467 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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Md. Dilshad Alam @ Golden S/O Bhola Ansari @ Mohammad Tauhid Alam
R/O Village-Azadnagar, P.S.-Aurangabad Town, District-Aurangabad (Bihar).
... .. Appellant/s

Versus

1. The State of Bihar
2. Mantu chaudhary Son of Vishnudeo Chaudhary R/v- Tikari Mohalla, Ward
no-14, P.S.- Aurangabad Town, Dist- Aurangabad.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Leelawati Kumari
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-08-2022 Learned counsel for the appellant has filed the jointness
petition stating therein that the respondent no. 2 is residing with his
father and mother under the same house at the address of the
respondent no. 2, therefore, notice issued to him is treated to be
validly served.

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,
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 10.02.2021, passed by
learned 1st Additional District and Sessions Judge-cum-Special Judge
SC/ST, Aurangabad in connection with Aurangabad Town P.S. Case
No. 467 of 2020, registered under Sections 147, 148, 149, 341, 323,
324, 307, 354 of the IPC and Sections 3(i) (r), 3(I) (s), 3(I)(w) (I),
3(2)(va) of SC/ST Act.



It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellant. He submits that no case under SC/ST Act is made out against the appellant. He submits that similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 02.09.2021 passed in Cr. APP No. 2038 of 2021. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

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

Considering the facts and circumstances of the case and the fact that similarly situated co-accused has already been granted bail, let the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 1st Additional District and Sessions Judge-cum-Special Judge SC/ST, Aurangabad in connection with Aurangabad Town P.S. Case No. 467 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

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(Anjani Kumar Sharan, J)

