

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2186 of 2021**

Arising Out of PS. Case No.-26 Year-2013 Thana- NAWADA District- Nawada

MD. NAWAB @ MOHAMMAD GALIB S/o Late Kalim R/o Mohalla- Mirda
Toli, P.S.- Nawada, District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Paro Devi Late Palo@Prahld choudhary Village/Mohalla-Beli Sharif,East
of Ambedkar Chatrabas(Hostel),P.S-Nawada,District-Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sinha
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

5 07-02-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.
However, nobody appears on behalf of the informant/respondent
no.2 although vide order dated 23.11.2021, notice was directed
to be issued and as per the office notes dated 02.02.2022, the
notice has been validly served.

This is an appeal under section 14A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 09.01.2021 passed by
learned Additional District and Sessions Judge, 1st -cum-Special
Judge, Nawada, in connection with Nawada Town P.S. Case



No.26 of 2013 arising out of Special Case No.226 of 2020, registered under sections 302/34 of the IPC later on added sections 3/2/5 of the SC and ST Act.

The prosecution case in short is that the appellant along with other accused persons has killed the husband of the informant and abused and threatened her to kill the entire family

It is submitted by learned counsel for the appellant that no such occurrence in the manner as alleged has ever taken place. Appellant is quite innocent and has been falsely implicated in the case merely on suspicion. There is general and omnibus allegation against the appellant. Since the allegation of abusing the informant is not made in a public view, as such, no offence under the SC/ST Act is made out against the appellant. Similarly situated co-accused has been granted bail vide order dated 29.06.2021 passed in Cr. Appeal (SJ) No.1698 of 2021. There is a compromise between the parties. The appellant has no criminal antecedent and is languishing in custody since 15.12.2020.

Learned Spl. PP for the State opposed the prayer for bail by submitting that the appellant is involved in the said occurrence.

In the facts and circumstance of the case, considering the custody of more than ten months and the compromise between



the parties, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, 1st -cum-Special Judge, Nawada, in connection with Nawada Town P.S. Case No.26/2013, Special Case No.226/2020.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

