

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2393 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- BALIGAON District- Vaishali

MD. AMJAD, S/o Md. Zakir Hussain, R/o village- Ramnagar, P.S.-
Warisnagar, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjivan Manjhi Son of Fudi Manjhi Resident of village-Agrail di, P.S.-
Baligaon, District-Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Hussamuddin Azad, Advocate
For the Respondent/s : Mr.Usha Kumari 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 01-12-2022

Acknowledgment card of the registered cover is on record which shows the notice sent through registered cover has been received by the informant himself. Since the informant is validly served, the matter is put up for hearing.

Heard learned counsel for the appellant and learned A.P.P. for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 09.05.2022 passed by the learned Special Judge,

SC/ST, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 31 of 2022 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code and Sections 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes Act and under Section 27 of the Arms Act.

As per prosecution case, two unknown miscreants shot dead the son of the informant after they called him from his house and took him away on a motorcycle. The name of the appellant transpired during investigation as one of the accused persons.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the possession of this appellant or at his instance. The appellant is merely a staff of the shop from which the SIM card used by the accused has been issued. The appellant has no role in issuance of the SIM card. Learned counsel further submits that there is no eye witness to the alleged occurrence even the informant is not an eye witness. There could be no application of provisions of SC/ST (Prevention of Atrocities) Act as no occurrence took place in public view. Charge sheet has been submitted in this case and the appellant is in custody since 04.04.2022. The

appellant has got clean antecedent.

Learned Special Public Prosecutor for the State opposes the prayer for bail of the appellant.

Having regard to the facts and circumstances submission made on behalf of the parties and considering the fact that nothing has come on record to show the role of the appellant in the occurrence as alleged and further considering his period of custody and submission of charge sheet against him, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Vaishali at Hajipur in connection with Baligaon P.S. Case No. 31 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the

terms of the bail, the bail bond of the
appellant will be liable to be cancelled
by the court concerned.

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

(Arun Kumar Jha, J)

Gautam/daya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.12.2022
Transmission Date	03.12.2022