

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4744 of 2021**

Arising Out of PS. Case No.-325 Year-2021 Thana- KORHA District- Katihar

MD. SAGIR @ SABIR ANSARI Son of Md. Jainul Haque R/O- Charkhi, P.S.-
Korha, Distt.- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudhir Rajak son of late Ganeshi Rajak R/O Naya Tola, Vishanpur, Post-
Vishanpur, P.S.- Korha, District- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 11-08-2022

Heard learned counsel for the appellant and learned
APP for the State.

As per office notes, it appears that notice has been
validly served to respondent no. 2.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of resumption
of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Caste and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 against the refusal of prayer for bail vide order dated
29.09.2021 passed by the learned A.D.J. Ist Cum-Special Judge,
Katihar in connection with Korha P.S. Case No. 325 of 2021
registered for the alleged offences under Sections 363, 366(A)/34



of the Indian Penal Code and Sections 3(i)(r)(s)3(2)(va) of the Scheduled Cast and Scheduled Tribes Act.

As per prosecution case, the minor daughter of the informant was taken away by the co-accused Talib Ansari on a motorcycle giving inducement of her marriage and when the informant went to make inquiry, the co-accused persons assaulted him while abusing him taking his caste name.

Learned counsel for the appellant submits that appellant has been falsely implicated in this case. Only allegation against the appellant is that he was also involved in the alleged occurrence. The victim girl was recovered and was medically examined. She was found to be aged 18 to 19 years so she was a major at the time of occurrence. Further in her statement under Sections 164 Cr.P.C., she has just stated that the co-accused Abu Talib Ansari and this appellant took her to Katihar but did not say anything adverse against him. The victim was in love affair with co-accused Talib Ansari and they even solemnized marriage. It is also apparent from the FIR that the appellant has been named in this case merely on suspicion. When the recovery of girl was made it was from the co-accused and not from the appellant. The appellant has got no criminal antecedent and he is in custody since 14.09.2021. Co-accused Talib Ansari has been granted bail by a Coordinate Bench vide order dated 28.07.2022 passed In Cr. Appeal (SJ) No. 4518 of



2021.

Learned APP opposes the submission made on behalf of the appellant and submits that the appellant was named in the FIR and also in statement recorded by the victim girl under Section 164 of Cr.P.C. However, he concedes that apart from these facts no further materials showing involvement or any wrongful act committed by the appellant has come up during investigation.

Having regard to the facts and circumstances and submission made hereinabove and considering the fact that there is hardly any materials showing any wrongful act on the part of the appellant and also considering the clean antecedent of the appellant and further submission of charge sheet along with period of custody of the appellant, 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 A.D.J. Ist-Cum- Special Judge, Katihar in connection with Korha P.S. Case No. 325 of 2021, 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.

The impugned order is set aside and the appeal stands allowed in terms of the aforesaid order.

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2022
Transmission Date	16.08.2022

