

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.482 of 2023

Arising Out of PS. Case No.-214 Year-2021 Thana- SIKARPUR District- West Champaran

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FIROZ @ FIROZ ANSARI S/o Mojahir Ansari R/o Village- Barwa,
Bishunpurwa, P.S.- Shikarpur, Distt- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhukhali Devi W/o Sukhari Manjhi R/o Village- Barwa Bishunpurwa, P.S.-
Shikarpur, Distt- West Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjeev Kumar, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

As per direction of this Court, learned Spl.P.P. for the
State informed the respondent no.2 about her appearance in this
case but despite of that, nobody appears on her behalf.

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 03.12.2022, passed by
learned 1st Additional District & Sessions Judge -cum- Special
Judge (SC/ST), Bettiah, West Champaran, in connection with
Shikarpur P.S. Case No.214/2021, registered u/s 302/201/34 of
the IPC and sections 3(2)(V), SC & ST (POA) Act.



Earlier, the prayer for bail of this appellant was rejected vide order dated 19.05.2022 passed in Cr. Appeal (SJ) No.4497/2021 by this Court with a liberty to renew his prayer for bail after framing of charge.

The appellant has now filed this appeal for bail and vide order dated 15.03.2023, a report was called for in this case.

In compliance thereof, a report is sent by learned Additional District and Sessions Judge 1st -cum- Special Judge (SC/ST), Bettiah, West Champaran, dated 25.03.2023, whereby it is stated that the charge has been framed on 01.02.2023. The appellant is in custody since 18.08.2021.

Considering that the charge has been framed, the appellant named above, 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 1st Additional District & Sessions Judge -cum- Special Judge (SC/ST), Bettiah, West Champaran, in connection with Shikarpur P.S. Case No.214/2021, subject to the following conditions:

(1) One of the bailors will be own close relative of the appellant who will give on affidavit genealogy as to how he is relative to appellant. The bailor will also undertake to inform the



court if there is any change in the address of the appellant.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The appellant shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The appellant shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

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

(Anjani Kumar Sharan, J)

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