

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3169 of 2023**

Arising Out of PS. Case No.-681 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Saddam Ansari @ Saddam Husain S/O Taj Ansari @ Taj Mohammad, R/O
Village- Manuwa Fulhara Siraiya, PS- Sadar Hajipur, Dist. Vaishali.

... .. Appellant

Versus

1. The State Of Bihar.
2. Mantu Kumar @ Mintu Kumar S/O Late Shatrudhan Paswan, R/O Village-
Fulhara Manuwa, PS- Sadar Hajipur, Dist. Vaishali.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Vasant Vikas, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 13-09-2024 Heard Mr. Vasant Vikas, the learned counsel for the

appellant, the learned counsel appearing on behalf of the

informant and Mr. Binay Krishna, the learned Special Public

Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (hereinafter referred to as “SC/ST Act”)

against refusal of prayer for anticipatory bail by the learned

Special Judge- SC/ST, Vaishali at Hajipur, vide order dated

15.05.2023 passed in A.B.P. No. 1193 of 2023, arising out of

Hajipur Sadar P.S. Case No. 681 of 2022, FIR dated 28.08.2022,

registered for the offences punishable under Section 302 read



with Section 34 of the Indian Penal Code and under Sections 3(2)(v)(a) of the SC/ST (PoA) Act.

3. According to the prosecution case, after receiving information about the death of his father, the informant went to the house of his father, who was living with his step mother namely, Jyoti Devi, and found the dead body of his father, which was badly injured and informant suspects that his step mother along with FIR named accused persons under a conspiracy has murdered his father.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR. In fact, the informant is not the eyewitness to the alleged occurrence and merely on the basis of suspicion, the appellant has been made accused in the present case. He further submits that except the aforesaid, no other cogent material has come during investigation which suggests that involvement of the petitioner in the present occurrence. He lastly submits that the co-accused persons namely, Jyoti Devi & Ors. have been granted bail by this Court vide order dated 21.04.2024 passed in Cr. App (SJ) No. 397 of 2023.



5. The learned counsel for the informant as well the learned Special Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the appellant.

6. Considering the aforesaid facts and circumstances and mainly the facts that appellant has clean antecedent, no cogent material has come during investigation which suggests the involvement of the appellant in the present occurrence and the other co-accused persons have been granted bail, let the appellant, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST), Vaishali at Hajipur, where the case is pending in connection with **Hajipur Sadar P.S. Case No. 681 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall



be cancelled by the learned trial Court.

(ii). If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the appellant and in case, at any stage, it is found that the appellant has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the impugned order dated 15.05.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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