

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4554 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- KORHA District- Katihar

Md. Sajjad @ Mohammad Sajjad @ Rokky Son Of Late Md. Sufi Ahmad @
Sufi Alam Resident Of Village- Morsanda, P.S- Falka, Distt- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Kumar Son Of Raj Kumar Das Resident Of Village- Faridpur Das
Tola, Ps- Jamalpur, Dist- Munger

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimal Kumar, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 28-06-2024 Heard Mr.Bimal Kumar, learned counsel for the

appellant and Mr.Sadanand Paswan, learned Spl.P.P. for the

State.

2. This is an appeal under Section 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 14.06.2023 passed by the learned A.D.J.-I-cum-Special
Judge, SC/ST, Katihar in G.R.No.700 of 2023 arising out of
Korha P.S. Case No.49 of 2023, F.I.R. dated 09.02.2023
registered under Sections 302,120(B)/34 of the Indian Penal
Code, Section 27 of the Arms Act and Section 3(2)(v) (va) of



the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case according to the FIR in brief is that the informant's younger daughter, who was posted as a constable at Katihar, complained him that some of the boys including the appellant had been harassing her to marry and threatened her to kill, if she would not marry. Accused Mohammad Hasan Arshad used to call the informant's daughter and other members on phone with different numbers. He also threatened them to kill. It is alleged that the informant had noted down the names of those persons in a note book and presented in the police. On 08.02.23 when the informant's daughter had been coming to Katihar. The appellant along with other accused persons en route got her alighted near Bhatwara village and murdered her by firing bullets. It is alleged that the appellant along with other persons murdered the informant's daughter in pursuance of a conspiracy hatched by them.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged 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



eye witness of the alleged occurrence and merely on the basis of suspicion the name of the appellant has been implicated in the present case even during investigation it has not come that who has filed upon the victim and co-accused person, namely, Mohammad Hasan was in talking term to the deceased and appellant is friend of Mohammad Hasan so he has been implicated in the present case and co-accused persons, namely, Twinkale Kumar Das @ Krish Vector@ Kish Vickar @Twinkle Kumar Das and Arvind Kumar @ Virat Yadav @ Digga @ Digga Yadav, against whom the similar allegation, have been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 14.05.2024 passed in Cr. Appeal (SJ) Nos.4207 of 2023 and 1357 of 2024 respectively and the police, after investigation, submitted chargesheet against the appellant and the appellant is are in custody since 28.02.2023.

5. Vide order dated 10.04.2024, a report was called for with regard to the present stage of the trial. Report of the learned Trial Court dated 03.05.2024 reveals that the charge has been framed against the appellant and other co-accused persons on 08.04.2024 and out of six prosecution witnesses, no any witness has been examined as yet.

6. Learned Spl. P.P. for the State have vehemently



opposed the prayer for bail of the appellant and submits that the appellant is named in the FIR and apart from that, a number of witnesses has supported the case of the prosecution.

7. Considering the aforesaid facts, report of the learned Trial Court and co-accused persons have been granted bail by a Coordinate Bench of this Hon'ble Court, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-I-cum-Special Judge, SC/ST, Katihar in connection with G.R.No.700 of 2023 arising out of Korha P.S. Case No.49 of 2023,with the following conditions:-

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

(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 court below 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 court below 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.

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

(Rajesh Kumar Verma, J)

Nitesh/-

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