

Md Ansarul Vs State Of Bihar

Court: Patna High Court

Date of Decision: March 18, 2021

Acts Referred: Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 " Section 3(2)(v), 14A(2) Indian Penal Code, 1860 " Section 34, 201, 302

Hon'ble Judges: Madhuresh Prasad, J

Bench: Single Bench

Advocate: Diwakar Sinha, Binay Krishna

Final Decision: Allowed

Judgement

1. Heard learned counsel for appellant and learned Spl. PP for the State.

2. Learned counsel for the appellant is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove

the defects as pointed out by office when called upon to do so.

3. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act, 1989 against the refusal of prayer for regular bail vide order dated 18.09.2020 passed by learned Additional District and Sessions Judge 1st-cum -

Spl Judge (SC/ST Act), Kishanganj in Thakurganj PS Case No. 72 of 2019 registered under Sections 302, 201 and 34 of the Indian Penal Code and

Sections 3(2)(v) of the SC/ST Act.

4. There is an allegation that the informant's father who was on way home on a bicycle has been dragged into the house of co-accused Tajammul

Haque @ Tazmul Haque and Tazir. The next day, he has learnt about the father having been killed. The appellant is one amongst the 10-15 persons

who have allegedly beaten his father to death.

5. The learned counsel for the appellant submits that specific allegation by name is attributed against the co-accused Tajammul Haque @ Tazmul

Haque and Tazir. The appellant has falsely been implicated as there was a communal issue in the locality at that time, in respect of which, Thakurganj

PS Case No 71 of 2019 has been lodged. In order to wriggle out his responsibility and possible implication in the said case, the instant prosecution has

been launched. Having no criminal antecedents the appellant is stated to be in custody since 18.08.2020. The two named co- accused, namely,

Tajammul Haque @ Tazmul Haque and Tazir have been allowed bail in Cr. Appeal (SJ)No. 4254 of 2019.

6. The learned Spl. PP has opposed the prayer for bail.

7. Considering the rival submissions, this appeal is allowed. The impugned order dated 18.09.2020, passed by learned Additional District and Sessions

Judge 1st-cum -Spl Judge (SC/ST Act), Kishanganj in Thakurganj PS Case No. 72 of 2019, is set aside. Let the appellant, above named, be released

on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned

Additional District and Sessions Judge 1st-cum -Spl Judge (SC/ST Act), Kishanganj, in Thakurganj PS Case No. 72 of 2019, subject to the following

conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant.

The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be

cancelled.