

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.785 of 2016

Arising Out of PS.Case No. -157 Year- 2016 Thana -BAHADURGANJ District- KISANGANJ

1. Akil @ Md. Akil son of Late Akhlaque Hussain

2. Sabbu @ Md. Sabbu son of Sakil Ahmad @ Sakil

Both are resident of village- Katahalbari, P.S.-Bahadurganj, District Kishanganj.

..... Appellant/s
Versus

The State of Bihar

..... Respondent/s

Appearance :

For the Appellant/s : Mr. Sarangdhar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 24-10-2016

This appeal is directed against the order dated 26.8.2016 passed by the learned 1st Additional Session Judge-cum-Special Judge (SC/ST Act), Kishanganj in Special (SC/ST) Case No.30 of 2016 arising out of Bahadurganj P.S. Case No.157 of 2016 registered under Sections 147, 148, 149, 341, 323, 447, 427, 379, 354 and 504/506 of the Indian Penal Code and Section 3(1)(e) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. It is submitted by the learned counsel for the



appellants that the appellants are in custody since 27th July, 2016. On completion of investigation, the investigating officer has already submitted charge-sheet in the case against them. However, the investigation so far as other accused are concerned, is still pending. It is submitted by the learned counsel for the appellants that the FIR was lodged against five named and 30-40 unknown accused persons. The contention is that the informant of the case has framed several innocent persons of the village in a false case. Even in the FIR, no specific overt act is alleged against the appellants.

3. On the other hand, learned counsel for the State has submitted that the accused persons named in the FIR including the appellants vandalized the shop of the informant and of his brother and when they protested they were abused and assaulted.

4. Keeping in mind the nature of the offence alleged, the period already undergone in custody and the fact that the investigation against the appellants has already been concluded, the impugned order dated 26.08.2016 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Kishanganj is set aside. The appellants are directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand)

each with two sureties of the like amount each to the of learned
1st Additional Sessions Judge-cum-Special Judge (SC/ST Act),
Kishanganj in connection with Special (SC/ST) Case No. 30 of
2016 arising out of Bahadurganj P.S.Case No. 157 of 2016.

5. The appeal stands allowed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	