

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.679 of 2016**

Arising out of P.S. Case No. -8 Year- 2016 Thana -PAUTHU District- AURANGABAD

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Md. Ainul Miyan, Son of Hasmu alias Hasamuddin Miyan, resident of village -  
Banahi, Police Station - Pouthu, District - Aurangabad.

.... .... Appellant

Versus

The State of Bihar.

.... .... Respondent

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**Appearance :**

For the Appellant : Mr. Shailesh Kumar Singh, Advocate.

For the State : Mr. Sadanand Paswan, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL JUDGMENT

**Date: 20-10-2016**

Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

2. This appeal under Section 14-A (2) of the  
Scheduled Cases and Scheduled Tribes (Prevention of Atrocities)  
Act, 1989 (For short 'the SC and ST Act') has been filed against the  
order dated 27.7.2016 passed by the learned Sessions Judge  
Aurangabad in B.P. No. 890 of 2016 arising out of Pauthu P.S. Case  
No. 8 of 2017 registered under Sections 3(1) (X), 3 (1), (XI), 3(2) (V)  
of the SC and ST Act and Section 27 of the Arms Act.

3. It has been submitted that admittedly there was  
an ongoing land dispute and the only allegation against the appellant  
in the First Information Report is that he had abused the wife of the  
informant in the name of her caste. It is contended that no overt act is

alleged against the appellant in the First Information Report.

4. On the other hand, learned counsel for the State has submitted that co-accused Ibrar Miyan is alleged to have opened fire causing injury to one Radha Kumari and the appellant is the brother of said Ibrar Miyan.

5. I have heard learned counsel for the parties and perused the First Information Report and the impugned order.

6. Regard being had to the fact that there was an ongoing land dispute and there is specific allegation of opening fire is not against the appellant. The order dated 27.7.2016 passed by the learned Sessions Judge, Aurangabad (Bihar), in B.P. No. 890 of 2016 arising out of Pauthu P.S. Case No. 8 of 2016, is set aside. The appellant has got no criminal antecedent and is in custody since 11<sup>th</sup> of July, 2016, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Aurangabad, in B.P. No. 890 of 2016 arising out of Pauthu P.S. Case No. 8 of 2016.

7. The appeal stands allowed.

**(Ashwani Kumar Singh, J)**

S.Ali/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | N.A        |
| Uploading Date    | 22.10.2016 |
| Transmission Date | 22.10.2016 |