

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 323 of 2018

Arising Out of PS.Case No. -24 Year- 2017 Thana -ASHOK PAPER MILL District- DARBHANGA

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1. Md. Jubair @ Jubaiyar S/o Ayub
 2. Abdul Hannan @ Hannan S/o Late Md. Israr @ Israil
 3. Md. Salman @ Salman @ Salman Ahmad S/o Late Md. Israr @ Israil
 4. Samsuddin @ Samruddin S/o Md. Faruque @ Faruque
 5. Md. Jamil Akhtar S/o Md. Isrish
 6. Md. Manjar Ali @ Syed Manjar Ali S/o Late Sabir Hussain All Resident of Village-Chandanpatti, P.S.- Ashok Paper Mill (Pator O.P.) District - Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-04-2018

Heard learned counsel for the parties.

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 the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Darbhanga in Ashok Paper Mill (Pator O.P.) P.S. Case No. 24 of 2017 registered under Sections 435, 504 of the Indian Penal Code as well as Section 3(2)(iii) of the SC/ST Act.

There is general and omnibus allegation against the



appellants of commission of arson in the hut of the informant.

Submission of the learned counsel for the appellants is that after investigation, the police did not find the allegation under the SC/ST Act as true. However, the learned Magistrate has differed with the police report. The informant is in the habit of lodging false cases against different villagers just to pressurize and Darbhanga Sadar P.S. Case No. 49 of 2017 is example of that.

The perusal of the FIR of that case vide Annexure-2 would reveal that there is dispute between Siya and Sunni Muslims in the village and the informant just interferes in the matter and in collusion with one of the groups, lodges false case to harass the appellants.

Considering the entire facts of the case aforesaid, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation and trial of the case, failing which the



court below shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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