

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1072 of 2018

Arising Out of PS.Case No. -87 Year- 2017 Thana -NARPATGANJ District- ARRARIA

- =====
1. Naim @ Md. Naimuddin,
 2. Md. Shamshad, Both Sons of Mofil Alam @ Mofique @ Mofik Alam, Both are R/o Vill.- Bardaha, P.S.- Narpatganj, District- Araria.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Naushad Uzzoha, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 29-06-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (hereinafter referred to as the "S.C./S.T. Act") against the refusal of prayer for anticipatory bail vide order dated 09.02.2018 passed in A.B.P. No.169 of 2018, by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in connection with Special Case No.95 of 2017, arising out of Narpatganj P.S. Case No.87 of 2017, registered under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 332, 333, 353, 427, 452, 379, 224, 225, 337, 338, 504, 506 of the Indian Penal Code and Sections 3(i) (r), 3 (ii) (v) of the S.C./S.T. Act.

The local *Chaukidar* is informant of this case. The Police had arrested co-accused Md. Iliyas along with a stolen motorcycle. However,



the residents of the locality named in the F.I.R. managed to escape Md. Iliyas from the clutches of the Police and there is general and omnibus allegation of commission of abuse against the appellants by taking caste name of the informant.

Considering the general and omnibus nature of allegation against 18 persons, 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 bond 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 bonds of the appellants.

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

(Birendra Kumar, J)

Abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

