

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3897 of 2018

Arising Out of PS. Case No.-122 Year-2018 Thana- MOHIUDDIN NAGAR District- Samastipur

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1. Md. Mehrajuddin, S/o Jamsed Miya
 2. Akhatarina Khatun, W/o Jamsed Miya,
 3. Sirajuddin, S/o Jamsed Miya
 4. Samim Miya @ Md. Samim Miya, S/o Jamsed Miya,
 5. Jamsed Miya, S/o Md. Latif, All 1 to 5 appellants R/o Village Mastalipur, P.S.- Mohiuddin Nagar, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Bhushan Prasad, Adv

For the Respondent/s : Mr.Smt Usha Kumari No1-,SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-12-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 07.09.2018 in A.B.P. No.1873 of 2018 arising out of Mohiuddin Nagar P.S.Case No.122 of 2018 passed by the learned 1st Additional Sessions Judge, Samastipur registered under Sections 147,148,149,323,341,354,447,504 of the Indian Penal Code and Sections 3(i)(r), 3(i)(5) of the Scheduled Castes and Scheduled Tribes Act.

Appellant No.1-Md. Mehrajuddin has already been



arrested in this case. Hence, his prayer for anticipatory bail is infructuous. Accordingly, his appeal is dismissed.

Old criminal cases are going on between the parties lodged by each other. In the aforesaid background, allegation is that when the daughter of the informant had gone to throw the Garbage, co-accused-Md. Mehrajuddin caught her hand with illicit purpose. Thereafter, when the matter was complained, the appellants, who are family members of Md. Mehrajuddin, allegedly committed abuse and assault.

Learned counsel for the informant opposed the prayer that very serious allegation is there against the appellants.

Considering the background of allegation and general and omnibus nature of allegation as well as statement of the appellants that they have no case registered under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and further the appellants shall fully cooperate with the investigation/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)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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