

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1078 of 2018

Arising Out of PS. Case No.-25 Year-2016 Thana- SC/ST District- Purnia

-
-
1. Md. Parwez Alam, Son of Late SK. Kamaluddin,
 2. Md. Naiyar Alam @ Md. Naiyar Son of Fakira Alam,
 3. Md. Imran @ Md. Ibran, Son of Jalaluddin.
 4. Md. Mahtab Alam, Son of Md. Mumtaz Alam.
 5. Md. Ghani, Son of SK. Chulhai,
 6. Md. Muslim, Son of Dukhan,
 7. Md. Munna, S/o Md. Rafique Alam.
 8. Md. Talha @ Laddu Son of Farid.
 9. Md. Tajuddin, Son of Allauddin.
 10. Md. Usman, Son of Najiruddin,
 11. Md. Izhar Alam, Son of Md. Mumtaz Alam,
 12. Md. Lal Mohammad, Son of Dukha.
 13. Md. Anis, Son of Majo.
 14. Md. Aftab Alam, Son of Kamaluddin.
 15. Md. Afroz, Son of Muslim.
 16. Md. Anjar, Son of Muslim.
 17. Niaz @ Chhanguri @ Md. Niyar, Son of Nazim,
 18. Md. Samruddin Son of Amanat
 19. Md. Muslim Son of Dukhan,
 20. Md. Fakko Son of Zakiruddin, All resident of Village- Bari Bhandsar, Police Station- Bhawanipur, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nafisuzzoha

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 03-05-2018

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 against the refusal of prayer for anticipatory bail by the learned 1st Additional District and Sessions Judge-cum- Special Judge, Purnia in Purnia Sadar



Special SC/ST P.S. Case No. 06 of 2016 registered under Sections 147,148,149,342,323,354,379,448,427,504,506 of the Indian Pena Code as well as under Section 3 (i)(V)(x)(xi) of the SC/ST (Prevention of Atrocities) Act, 1989.

After investigation, the police submitted final form in the case stating therein that the matter is of land dispute between the parties. Learned Special Judge has diferred with the police report.

Submission is that if two views are plausible, for the purpose of pre-trial bail, the view, in favour of appellants should be preferred.

Considering the aforesaid facts, let the appellant, 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/- (Twenty Thousand) 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 appellant 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
appeal stands allowed.

(Birendra Kumar, J)

khushbu/-

U		T	
---	--	---	--

