

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.435 of 2019

Arising Out of PS. Case No.-202 Year-2016 Thana- BAIRIYA District- West Champaran

1. MUSA MIAN son of Ishaque Mian
 2. Junab Mian son of Jan Mian
 3. Mojabir Mian @ Mojmial Mian son of Makhdum Mian
 4. Dargahi Mian son of Jan Mian
 5. Samim Mian @ Samim Akhatar @ Samim Myan son of Hussaini Mian
 6. Samsuddin Mian son of Alim Mian
- All are resident of Village-Bagani Badhaiya Tola, Police Station- Bairiya, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL JUDGMENT

Date : 28-03-2019

Heard the parties.

The appellants are apprehending their arrest in connection with Bairiya P.S.case No.202 of 2016 , registered for offences punishable under Sections 341, 323, 329, 504/34 of the Indian Penal Code and Section 3(x) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellants is that they assaulted the informant by various arms and abused the informant by caste name.

Submission of the learned counsel for the appellants is that a Title Suit is going on between the appellants and Harendra Sah (land owner of the informant) and due to that they have been implicated in this case.

Heard learned Spl.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that the appellant nos. 2, 3 and 4 have been



convicted and they have criminal antecedent also. Apart from that appellant no.1 has criminal antecedent as he is accused in four other cases.

Having heard both sides and in view of the facts and circumstances, as stated above, so far appellant nos.1.(Musa Mian), 2.(Junab Mian), 3.(Mojabir Mian @ Mojmial Mian) and 4.(Dargahi Mian) are concerned, I am not inclined to grant privilege of anticipatory bail rather they should surrender before the learned Special Judge within a period of six weeks from the date of receipt of order and make prayer for regular bail, which will be considered by the learned Spl. Judge on its own merit.

So far appellant nos. 5. (Samim Mian @ Samim Akhatar @ Samim Myan) and 6. (Samsuddin Mian) are concerned, let the appellant nos.5 and 6, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge Ist -cum-Special Judge, SC/ST Act, West Champaran at Bettiah in connection with Bairiya P.S.Case No.202 of 2016, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure. This appeal is allowed and the impugned order is set aside with respect to appellant nos. 5 and 6.

With the above direction, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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