

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.631 of 2019

Arising Out of PS. Case No.-716 Year-2018 Thana- TURKAULIYA District- East
Champaran

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1. WASSI AKHTAR @ OSI AKHTAR Son of Khair Dewan Resident of Village- Chilraw, P.S.- Turkaulia, District- East Champaran
 2. Jamil Akhtar Son of Khair Dewan Resident of Village- Chilraw, P.S.- Turkaulia, District- East Champaran
 3. Majahar Dewan Son of Manan Dewan Resident of Village- chilraw, P.S.- Turkaulia, District- East Champaran
 4. Wahab Dewan @ Ohab Dewan Son of Nasrul Dewan Resident of Village- chilraw, P.S.- Turkaulia, District- East Champaran
 5. Farida Khatoon @ Afrida Khatoon Wife of Wassi Akhtar Resident of Village- Chilraw, P.S.- Turkaulia, District- East Champaran
 6. Jamila Khatoon Wife of Jamil Akhtar Resident of Village- Chilraw, P.S.- Turkaulia, District- East Champaran
 7. Mumtaj Dewan @ Momtaj Dewan Son of Late Asim Dewan Resident of Village- Chilraw, P.S.- Turkaulia, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar Bihar

.. ... Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 20-06-2019

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 25.01.2019 passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Turkaulia P.S. Case No. 716 of 2018 registered under Sections 341, 323, 379, 427, 504/34 of the Indian Penal Code and Section Section 3(i)(r)(s) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.



Learned counsel appearing for the appellants submits that the appellants are innocent and have not committed any offence. In fact, the occurrence took place on 02.10.2018 whereas the F.I.R has been lodged on 30.10.2018 after lapse of 28 days without explaining the plausible delay. Moreover, there is case and counter case between the parties. No specific case is made out against the appellants. Hence, the appellants may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks 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 1st Additional Sessions Judge -cum- Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Turkaulia P.S. Case No. 716 of 2018 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Arvind Srivastava, J)

brajesh/-

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