

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.545 of 2019

Arising Out of PS. Case No.-43 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. RIZWANUL HAQUE Son of Zayul Haque
 2. Rihanul Haque Son of Zayul Haque
 3. Zayul Haque @ M. Z. Haque Nazar @ M.Z .Haque Son of Late Wahidul Haque
 4. Sonu Kumar Son of Mahendra Paswan
 5. Mahendra Paswan Son of Saukhi Paswan
All are resident of Village - Nikrampur Bande, P.S.- Samastipur Muffasil,
District - Samastipur.
 6. Md. Akhlaque Son of Ejazul Haque
Resident of Village - Rahimpur Rudauli, P.S.- Samastipur Muffasil, District -
Samastipur.

... .. Appellant/s

Versus

1. State of Bihar and Anr Bihar
2. Phoche Das Son of Kuso Das Resident of Village - Rahimpur Rudauli, P.S.-
Muffasil, District - Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prakash Chandra Gupta
For the Respondent/s : Mr.Sadanand Paswan

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 Complaint Case no.43 of 2018 , registered for offences punishable under Sections 147, 148, 382 of the Indian Penal Code and Section 3(1)(r)(s)/3(2)(va) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellants is of assault to the informant and others and it further appears that they have criminal antecedent also.



Submission of the learned counsel for the appellants is that there is land dispute between the parties and the cases are going on between the parties and moreover the appellant no.1 is Head of the Department of one of the Departments of the Central University and no specific allegation has been attributed against any of the appellants except the appellant nos. 1 and 2.

Heard learned Spl.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that earlier they had been granted bail in a case lodged by the informant and again such type of occurrence has taken place and that amounts to privilege of bail.

Having heard both sides and in view of the facts and circumstances, as stated above, so far appellant no. 2 (Rihanul Haque) is concerned, I am not inclined to grant privilege of anticipatory bail rather let the appellant no.2 Surrender before the learned court below within a period of six weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned Special Judge on the basis of materials available on the record.

So far appellant no.1 (Rizwanul Haque) being Head of the Department of the Department and other appellants i.e. appellant no.3 Zayul Haque @ M.J. Haque Nazar @ M.Z. Haque, 4., Sonu Kumar, 5. Mahendra Paswan, 6. Akhlaque are concerned 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 Sessions Judge -cum- Special Judge, Samastipur in



connection with Complaint Case No.43 of 2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure with further condition not to tamper with the evidence or threaten the informant or any witnesses.

With the aforesaid observation, this appeal is allowed and the impugned order is set aside.

(Vinod Kumar Sinha, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

