

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.857 of 2019

Arising Out of PS. Case No.-145 Year-2018 Thana- AMAUR District- Purnia

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1. MD. ISLAMUDDIN @ ISLAMUDDIN, Son of Saidul Rahman, Resident of Village- Lal Toli, Police Station- Amour, District- Purnea.
 2. Md. Subhan, Son of Hamzah, Resident of Village- Lal Toli, Police Station- Amour, District- Purnea.
 3. Abdul Rajjak, Son of Abbas, Resident of Village- Lal Toli, Police Station- Amour, District- Purnea.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Md. Hussain, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 03-04-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 24.12.2018 passed by Additional Sessions Judge-I-cum-Special Judge, POCSO Act, Purnea, in A.B.P. No. 92 of 2018/C.I.S. 92 of 2018, filed by the appellants, by which learned Sessions Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Amour P.S.Case No. 145 of 2018, registered under Sections 420, 465, 467, 468, 471, 353, 447 of the Indian Penal Code and Sections 3(i) 7(g)(r), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the accused persons, including appellants is of obstructing the Anchal Amin from measurement of the land which has been settled by the Government of Bihar.



Submission of learned counsel for the appellants is that no complaint has been made either by Anchal Amin or any official, rather the same has been made by a private person and no specific allegation has been attributed against them.

Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, let the appellants, named above, be released on bail, in the event of arrest or surrender, on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, POCSO Act, Purnea, in connection with Amour P.S. case No. 145 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellants shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

Accordingly, the appeal is allowed and the impugned order dated 24.12.2018 is set aside.

(Vinod Kumar Sinha, J)

spal/-

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CAV DATE	
Uploading Date	
Transmission Date	

