

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1146 of 2019

Arising Out of PS. Case No.-46 Year-2017 Thana- COMPLAINT CASE District- Kishanganj

1. TAHJEEB ALAM, son of Imam Ghafoor Resident of Village-Bararo, P.S.- Kishanganj, District -Kishanganj
2. Master Khurshid Alam @ Master Khurshid, Son of Majibur Rahman Resident of Village-Bararo, P.S.- Kishanganj, District -Kishanganj
3. Md. Fayeque Alam @ Fayeque Alam, Son of Jhorjhula, Resident of Village-Bararo, P.S.- Kishanganj, District -Kishanganj
4. Md. Tabrez @ Tabrez Alam @ Tarjeb Alam, Son of Qurban Ali, Resident of Village-Bararo, P.S.- Kishanganj, District -Kishanganj
5. Qurban Ali, Son of Jiyaul Ali @ Rayjat Ali, Resident of Village-Bararo, P.S.- Kishanganj, District -Kishanganj

... .. Appellants

Versus

1. The State of Bihar
2. Sakunti Devi, Wife of Sagar Rishidev, Resident of Village-Bararo, P.S.- Kishanganj, District -Kishanganj

... .. Respondents

Appearance :

For the Appellant/s : Mr.Amal Kumar Sinha, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 29-03-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 31.1.2019 passed by Additional District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Kishanganj, in A.B.P. No. 4 of 2019 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 Complaint Case No. 46C of 2017, in which cognizance has been taken under Sections 147, 341, 323, 448, 504, 427 of the Indian Penal Code and Section 3(r)(s)(z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Allegations against the appellants, who are five in numbers, is that they came while the informant was installing hand pump and assaulted her and abused her by caste name.

Submission of learned counsel for the appellants is that there is case and counter case between the parties and there is delay of 15 days in lodging the complaint case.

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 District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Kishanganj, in connection with Special Case No. 30 of 2018, arising out of Complaint Case No. 46C of 2017, 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 31.1.2019 is set aside.

(Vinod Kumar Sinha, J)

spal/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

