

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1012 of 2019**

Arising Out of PS. Case No.-723 Year-2018 Thana- KHAJANCHI HAT District- Purnia

1. Md. Najam Son of Late Aziz
2. Md. Tohid @ Tohid @ Md. Tohid Alam
3. Md. Tanna @ Md. Tanvir
4. Md. Tokir @ Tokir
All sons of Md. Najam
5. Md. Pappu Son of Md. Sahid
6. Md. Irasid Son of Late Jahani
All Residents of Village - Vikarampatti, Ward No. 8, Lalganj Harda, P.S.- K.
Hat, (Maranga), Distt - Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manish Kumar
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 10-04-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 14.02.2019 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Purnea in ABP No. 93 of 2018 arising out of K.Hat (Maranga) P.S.Case No. 723 of 2018 registered under Sections 147, 307, 323, 325, 341, 354B, 379, 504 and 506 of the Indian penal Code and Sections 3(i)(r)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989.

Allegation against one co-accused Md. Aslam is of abusing by caste name. Further allegation against co-accused Md. Aslam and appellant no. 1 is of assaulting the informant and his brother. It is further alleged that thereafter accused persons including the appellants came along with 25-30 unknown persons and assaulted him and Md. Aslam tried to commit rape with the wife of the informant and looted away the household articles and jewelries.

Submission of learned counsel for the appellants is that in her statement recorded under Section 164 Cr.P.C, she has not named the appellants except appellant no. 1 and co-accused Md. Aslam of making assault and looted away the articles and further there is case and counter case in between the parties.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, so far allegation against appellant no. 1 is concerned, I am not inclined to grant privilege of anticipatory bail to him rather he should surrender within a period of six weeks from the date of receipt of a copy of this order and make prayer for regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.



So far appellant nos. 2 to 6 are concerned, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, they are directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Purnea in ABP No. 93 of 2018 arising out of K.Hat (Maranga) P.S.Case No. 723 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to appellant nos. 2 to 6.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

