

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1094 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- COMPLAINT CASE District- Kishanganj

NAKSAB ALAM @ NAKSID ALAM, aged about 40 years, Male, S/o Aiyub Alam Resident of Village- Ward No.- 15, Chakala Dhangarah, P.S.- Korobari, District- Kishanganj.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Jhalo Devi W/o Late Haru Lal Mochi R/o- Chargaria, Dangarha, P.S.- Bahadurganj, District- Kishanganj.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 17-05-2019

Heard learned counsel for the appellant and the learned counsel appearing for the State.

This appeal is directed against the order dated 05.02.2019 passed by 1st Additional Sessions Judge, Kishanganj in A.B.P. No. 6 of 2019 in connection with Complaint Case No. C20 of 2018 corresponding to Kishanganj P.S. Case No. 1 of 2018 registered under sections 341, 323, 504, 506 of the Indian Penal Code and Sections 3(1) (r)(s)(u) of the S.C. and S.T. (Prevention of Atrocities) Act.

Learned counsel appearing for the appellant submits that the appellant has been falsely implicated in this case. The present complainant had earlier also filed a complaint against



this appellant bearing Bahadurganj P.S. Case No. 110 of 2017 and when the appellant in that case got bail from this Hon'ble Court, the complainant has lodged the present false case against this appellant. As a matter of fact, police after investigation has submitted final form finding the case to be false vide Annexure-3. Appellant is a man of clean antecedent.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the appellant, above named, in the event of arrest or surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 25,000/- (Twentyfive thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge, Kishanganj in connection with Complaint Case No. C20 o 2018 corresponding to Kishanganj P.S. Case No. 1 of 2018 subject to the conditions laid down under section 438(2) Cr.P.C.

This appeal is allowed and the impugned order is set aside.

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

