

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1380 of 2019**

Arising Out of PS. Case No.-4423 Year-2014 Thana- PURNIA COMPLAINT CASE District-
Purnia

-
1. Shamshad Parwez, Son of Late Abdul Majid
 2. Md. Jawed @ Jawed Alam @ Javed Alam @ Md. Javed Son of Shamshad Alam
Both are residents of Village- Khanua (Kukrauna), P.S- Dhamdaha, District-
Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Chand Prasad

For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL JUDGMENT

Date : 25-04-2019

Heard learned counsel for the appellants and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 05.03.2019 passed by learned Special Judge (SC/ST Act),
Purnea in Special Case No. 26 of 2019 arising out of C.A. Case
No. 4423 of 2014 registered under Sections 3(5) and 3(x) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Appellants along with other named accused
persons are said to have tried to dispossess the complainant



from his land taking the local police in their connivance regarding which a proceeding under Section 107 Cr.P.C. has been initiated. Further allegation is that accused persons further extended threatening to the complainant to vacate the land and on 08.12.2014 they descended at the land of the complainant and assaulted him and his wife by fists and slaps and also abused them in the name of their caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to land dispute. A proceeding under Section 107 Cr.P.C. was initiated by the police against the complainant against which he has filed quashing petition before the Hon'ble High Court. They have never abused the complainant and his wife in the name of caste. Moreover, aforesaid occurrence is said to have taken place at lonely place and not in public view. Appellants have no criminal antecedent and have been languishing in custody since 05.03.2019. Co-accused namely Md. Eftakhar Alam, Md. Arshad Alam @ Arshad Alam and Md. Faiyaz Alam @ Faiyaz Perwej have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 04.02.2016 passed in Cr.



Misc. No. 48829 of 2015.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Purnea in Special Case No. 26 of 2019 arising out of C.A. Case No. 4423 of 2014.

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

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	26.04.2019
Transmission Date	26.04.2019

