

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1497 of 2019

Arising Out of PS. Case No.-387 Year-2018 Thana- RIVILGANJ District- Saran

1. MUSTAQUE ALI @ MD. MUSTAK Son of Islam Miyan @ Islam Ali, Resident of Village- Shamshuddinpur, Rivilganj, District- Saran.
2. Mokhtar Ali, Son of Islam Miyan @ Islam Ali, Resident of Village- Shamshuddinpur, Rivilganj, District- Saran.
3. Azmeri Khatoon, Daughter of Islam Miyan @ Islam Ali, Resident of Village- Shamshuddinpur, Rivilganj, District- Saran.
4. Chamcham Khatoon, Daughter of Islam Miyan @ Islam Ali, Resident of Village- Shamshuddinpur, Rivilganj, District- Saran.
5. Najma Khatoon, W/O Islam Miyan @ Islam Ali, Resident of Village- Shamshuddinpur, Rivilganj, District- Saran.
6. Islam Ali @ Islam Miyan, Son of Late Mohammad Hussain Miyan, Resident of Village- Shamshuddinpur, Rivilganj, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Harish Kumar

For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 19-06-2019

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

The appellants seek pre-arrest bail in connection
with Rivilganj P.S. Case No. 387 of 2018 registered under
Sections 448, 341, 323, 324, 504, 34 of the Indian Penal Code
and Section 3(i) (r) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

Submission of learned counsel for the appellants



is that the appellants have no criminal antecedent. They have falsely been implicated in the present case. Earlier, a case was lodged by the appellants' side with regard to kidnapping of daughter of appellant no. 4 against the informant's family members, as detailed in Annexure-3 to the bail application. Further submission is that there is no specific allegation against the appellants about using the caste name.

Having heard both sides and in the facts and circumstances of the case, let the above named appellants 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 the 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Rivilganj P.S. Case No. 387 of 2018, subject to the conditions as laid down under section 438(2) of Cr. P.C.

Accordingly, the appeal is allowed and the impugned order dated 12.03.2019 is set aside.

(Arvind Srivastava, J)

shailendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

