

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1703 of 2019

Arising Out of PS. Case No.-449 Year-2018 Thana- KRITYANAND NAGAR District- Purnia
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1. MD. MANGNI Son of Md. Maruddin Resident of Village - Ufrail, P.S.- Srinagar, Distt.- Purnea.
2. Md. Mitthu Son of Md. Maruddin Resident of Village - Ufrail, P.S.- Srinagar, Distt.- Purnea.
3. Md. Hasib Son of Md. Domi Resident of Village - Ufrail, P.S.- Srinagar, Distt.- Purnea.
4. Md. Nasim Son of Md. Domi Resident of Village - Ufrail, P.S.- Srinagar, Distt.- Purnea.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Amit Kumar Anand

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date : 17-05-2019

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 25.03.2019 passed by 1st Additional Sessions Judge-cum- Special Judge SC/ST Act, Purnea in connection with K.Nagar (Srinagar) P.S. Case No. 449 of 2018 registered under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellants



submits that the appellants are innocent and have not committed any offence. In fact, the F.I.R. has been lodged after lapse of six days from the date of occurrence without explaining the plausible delay which creates doubt over the prosecution version. The appellants have falsely been implicated in this case. No specific allegation is attributed to the appellants. Hence, the appellants may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, Purnea in connection with K. Nagar (Srinagar) P.S. Case No. 449 of 2018 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Arvind Srivastava, J)

brajesh/-

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