

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2004 of 2019

Arising Out of PS. Case No.-219 Year-2017 Thana- BAUSI District- Purnia

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1. Md. Jahid Son of Kafil Resident of Village-Gandwas Police Station-Dagaruwa, District-Purnea.
 2. Md. Wahid Son of Kafil Resident of Village-Gandwas, Police Station-Dagaruwa, District-Purnea.
 3. Md. Manowar Son of Md. Kafil Resident of Village-Gondwas, Police Station-Dagaruwa, District-Purnea.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vikram Singh
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 11-09-2019 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 of anticipatory bail vide order dated 30.03.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Purnea in Baisi P.S. Case No. 219 of 2017 registered under Sections 147, 148, 149, 452, 341, 325, 307, 302, 380, 427, 504 of the Indian Penal Code and Sections 3(1)(v)(x), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Thirteen named accused persons including the appellants descending at the door of the informant in the night started slating and when the informant and his family members stepped out of their house, they assaulted them, resultantly, his father succumbed to injury and uncle has also sustained injury. They also dismantled his hut and took away the household articles.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to dirty village politics. Allegation levelled against the appellants is not specific rather general and omnibus in nature. After investigation of the case, finding the case untrue against the appellants, police has submitted charge-sheet showing the appellants as not sent up for trial. Appellants have no criminal antecedent. Similarly situated co-accused, namely, Md. Sahid @ Shahid, Md. Kalim @ Kalma, Md. Shamim @ Shamim, Md. Ansar @ Md. Ansar @ Ansar, Md. Arshad @ SK Bablu, Shahjad @ Md. Shahjad have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide several orders.

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



In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Purnea in connection with Baisi P.S. Case No. 219 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C with further condition that the appellants shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

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

(Prakash Chandra Jaiswal, J)

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