

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1936 of 2019**

Arising Out of PS. Case No.-379 Year-2017 Thana- MAJHAULIA District- West Champaran

Muatakim Mian @ Mustakim Ansari Son of Zanjeer Mian Resident of Village
- Ashwar Sheaikh, Chudiharwa Tola, P.S.- Majhaulia, Dist.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

3 21-06-2019 Heard learned counsel for the appellant 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 29.03.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, West Champaran at Bettiah in Majhaulia P.S. Case No. 379 of 2017 registered under Sections 341, 323, 302/34 of the Indian Penal Code and Section 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over demand of due wages by the husband of the informant from Dr. Islam Miya, Dr. Islam Miya is said to have



assaulted him by means of lathi while petitioner and Sultan Mian caught hold his leg and Sikandar Mian and Sarfiddin Mian assaulted him by means of leg and fists. Subsequently, her husband succumbed to his injury.

It is submitted by learned counsel for the appellant that the appellants has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. There is no allegation of assault against the appellant rather against Dr. Islam Mian. Doctor conducting autopsy of the cadaver of the deceased has also found only one head injury on the person of the deceased which is attributed to Dr. Islam Mian. Petitioner and Sultan Mian are only said to have caught hold leg of the deceased. Appellant has no criminal antecedent and has been languishing in custody since 29.03.2019. Said Sultan Mian has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 09.02.2018 passed in Cr. Appeal (SJ) No. 109 of 2018.

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

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned learned 1st Addl. Sessions Judge-cum-Special Judge, West Champaran at Bettiah in connection with Majhaulia P.S. Case No. 379 of 2017.

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

(Prakash Chandra Jaiswal, J)

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