

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2931 of 2019

Arising Out of PS. Case No.-68 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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1. Mustafa Mian @ Bhola Mian, aged about 41 years, Male, Son of Sikandar Mian Resident of Village- Kharg Pokhariya, Ward No. 7, P.S.- Chanpatia, District- West Champaran.
 2. Shahjad Mian, aged about 50 years, Male, Son of Late Shah Mohammad Mian Resident of Village- Kharg Pokhariya, Ward No. 7, P.S.- Chanpatia, District- West Champaran.
 3. Mustaq Mian, aged about 35 years, Male, Son of Sikandar Mian Resident of Village- Kharg Pokhariya, Ward No. 7, P.S.- Chanpatia, District- West Champaran.
 4. Sagir Mian @ Md. Sagir, Aged about 45 years, Male, Son of Ahmad Mian Resident of Village- Kharg Pokhariya, Ward No. 7, P.S.- Chanpatia, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 16-11-2019

Heard learned counsel for the appellants and learned
APP for the State.

2. The appellants have moved the Court seeking pre-arrest bail in connection with Bettiah Town SC/ST PS Case No. 68 of 2018 dated 27.12.2018 instituted under Sections 323, 341, 324, 307, 504/34 of the Indian Penal Code and Section 3(i)(r)(ii)(va) of



the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'Act').

3. The allegation against the appellants is of assault and against appellant no. 1 of putting a pistol in the mouth of the informant whereas, against the appellant no. 3, of giving a *farsa* blow on the head.

4. Learned counsel for the appellants submitted that the allegation is totally false and fabricated and due to political and local rivalry. It was submitted that besides there being general and vague allegation made in the FIR, the injury report of the informant also disclosed only one wound on the head which is simple in nature caused by hard blunt substance and, thus, the entire allegation of assault by all the four appellants stands falsified. It was submitted that even otherwise, one simple injury on the head does not inspire confidence in the allegation made in the FIR. It was further submitted that no offence is made out under the Act.

5. Learned APP, from the case diary and the injury report did not dispute the fact that the allegations are totally general and omnibus in nature and further that there is no allegation of any abuse in a public place as also the fact that only one simple injury has been found on the body of the informant.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender within four weeks from today, the appellants be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 1st cum Special Judge, West Champaran at Bettiah in Bettiah Town SC/ST PS Case No. 68 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

P. Kumar

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