

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2922 of 2019

Arising Out of PS. Case No.-52 Year-2019 Thana- KAUWAKOL District- Nawada

1. Md. Murshid Alam @ Murshid Alam (Male) aged about 21 years, Son of Late Khurshid Alam @ Bana Mian Resident of Village - Paharpur, P.S.- Kawakole, Dist.- Nawada.
2. Sani Alam @ Md. Sanni (Male) aged about 20 years, Son of Md. Balal Uddin @ Chhotan Mian Resident of Village - Paharpur, P.S.- Kawakole, Dist.- Nawada.
3. Ajmal Mian @ Md. Ajmal (Male) aged about 19 years, Son of Aslam Mian Resident of Village - Paharpur, P.S.- Kawakole, Dist.- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar, Advocate

For the State : 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 Kawakole PS Case No. 52 of 2019 dated 05.03.2019 instituted under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 3(1)(r) of the



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

3. The appellants along with three others are accused of assault on the informant and others.

4. Learned counsel for the appellants submitted that from the plain reading of the FIR itself, no offence is made out under Act. It was further submitted that even with regard to assault, the allegation itself is totally vague and omnibus. It was submitted that the injury on three persons, who have been examined is minor and basically swelling on some parts of the body.

5. Learned APP, from the case diary and the injury report, which has been received, did not controvert the fact that the allegation is general and omnibus and that it does not disclose any offence under the Act. Further, it was also not denied that the injury, as submitted by the appellants are simple in nature.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, upon 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 1st Additional Sessions



Judge-cum-Special Judge, Nawada in Kawakole PS Case No. 52
of 2019, 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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