

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3669 of 2019

Arising Out of PS. Case No.-254 Year-2019 Thana- PURNEA SADAR District- Purnia

1. RUKHSANA BANO W/o Md. Abbas Resident of Village- Namakpatti Ward No. 40, Khushkibag, P.S.- Sadar, District- Purnea.
2. Md. Abbas @ Abbas S/o- Late Ishrar Resident of Village- Namakpatti Ward No. 40, Khushkibag, P.S.- Sadar, District- Purnea.
3. Nazia Perween D/o Md. Abbas Resident of Village- Namakpatti Ward No. 40, Khushkibag, P.S.- Sadar, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manish Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 07-11-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 11.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Purnea in Sadar P.S. Case No. 254 of 2019 registered under Sections 341, 323, 324 of the Indian Penal Code and Section 3(1)(b)(c) of the SC/ST Act.

While the informant was proceeding to her neighbour's house, appellant Nazia Perveen and co-accused Razia Perveen hurled ort water on her and blocked her passage



by hurling dirty drain water. On protest made by the informant, they slated and fisted her. In the meantime her younger son namely Monu Kumar rushed there and intervened the occurrence. Then aforesaid accused persons dragged him in their house and bitten him and pressed his scrotum. Zubeda Khatoon was also badly assaulted.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, appellant Rukhsana Bano has lodged Purnea Sadar P.S. Case No. 253 of 2019 against the sons of the informant for trying to outrage the modesty of her daughter intruding into her house and in order to save skin from the said case, informant has lodged this false and frivolous case against the appellants. None has sustained injury in the occurrence. There is no allegation of slating the informant in the name of her caste against the appellants. There is land dispute between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent.

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

Having regard to 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 the learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Purnea in connection with Sadar P.S. Case No. 254 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

mantreshwar/-

U		T	
---	--	---	--

