

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3665 of 2019**

Arising Out of PS. Case No.-73 Year-2018 Thana- MAHILA P.S. District- Araria

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MOJAHID MOLVI @ MOJAHIDUL ISLAM Son of Yasin Hussain Resident
of Village - Dumariya, P.S.- Raniganj, dist.- Araria.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Md. Naushad Uzzoha
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 25-09-2019 Heard learned counsel for the appellant and learned
Spl. P.P. 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 27.07.2019 passed by learned 1st Addl. Sessions
Judge-cum-Special Judge (SC/ST) Act, Araria in connection
with Araria (Mahila) P.S. Case No. 73 of 2018, registered under
Section 341, 323, 354B of the Indian Penal Code and Sections 3
(i) (r) (w) of the SC/ST Act.

Appellant calling the informant for working in his
field asked her to proceed to the backyard of Md. Jainul and
appellant arriving from rear side of the informant tried to



outrage her modesty by catching her hold but she anyhow managed to escape.

It is submitted by the learned counsel for the appellant that that no such occurrence as alleged ever took place. As a matter of fact informant was supporting Zeeshan Gazi against Heena Parween in the election of Panchayat Samittee while ex-mukhiya Tauhid Alam and chairman Sajjad were supporting the said Heena Parween. Appellant refused to oblige the aforesaid ex-mukhiya and chairman to support Heena Parween so they have got this case lodged against the appellant with altogether false and concocted allegation in order to harass him. There is abnormal and inordinate delay of five days in lodging the F.I.R. by the informant without giving any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District & Sessions Judge-cum-Special Judge (SC/ST) Act, Araria in connection with Araria (Mahila) P.S. Case No. 73 of 2018, 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)

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