

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3865 of 2019

Arising Out of PS. Case No.-327 Year-2019 Thana- BAHADURPUR District- Darbhanga

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1. Md. Imteaz Son of Md. Mansoor Resident of Village - Ughara, P.S.- Bahadurpur (Pator O.P.), Distt - Darbhanga.
 2. Md. Mansoor Son of Late Sultan Resident of Village - Ughara, P.S.- Bahadurpur (Pator O.P.), Distt - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur
		Mrs. Babita Kumari
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 15-11-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 09.08.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Darbhanga in Bahadurpur P.S. Case No. 327 of 2019 registered under Sections 302/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

While the informant along with his father arrived to plug flowing of rain water from roof of their toilet, appellant Md. Imteaz and co-accused Md. Jakir slated them in the name of their caste and assaulted his father along with other accused persons named in the FIR. On the exhortation of Md. Imteaz, Md. Jakir shoving his father on the ground assaulted on his neck by means of butt of the spade, resultantly, his father died on the spot. Accused persons also assaulted him by means of fist.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to petty dispute of flowing of rain water in their house from the roof of the toilet of the informant. Allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no specific allegation of assaulting the father of the informant against the appellants. As a matter of fact, the deceased has died by falling from the roof of the toilet in the course of plugging water. Doctor has not found any external injury on the person of the deceased. Informant has also not sustained any injury in the occurrence. Appellants have no criminal antecedent and have been languishing in custody since



09.07.2019. Similarly situated co-accused, namely, Zohra Khatoon has been enlarged on bail by this Court vide order dated 16.09.2019 passed in Cr. Appeal (SJ) No. 3923 of 2019.

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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail 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 (PoA) Act, Darbhanga in connection with Bahadurpur P.S. Case No. 327 of 2019.

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

(Prakash Chandra Jaiswal, J)

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