

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4061 of 2019

Arising Out of PS. Case No.-107 Year-2019 Thana- DARAUNDA District- Siwan

1. MUNNA MIAN @ NABUJAN MIAN @ MANNA MIAN S/o Gaffur Mian R/o village- Fatehpur, P.S.- Daraunda, District- Siwan
2. Hadisan Bibi @ Hadisa Bibi Mian W/o Munna Mian @ Nabujan Mian R/o village- Fatehpur, P.S.- Daraunda, District- Siwan
3. Ful Mohammad S/o Mahamaddin Mian R/o village- Fatehpur, P.S.- Daraunda, District- Siwan
4. Lal Mian @ Lal Mohammad S/o Sahebjaan Mian R/o village- Fatehpur, P.S.- Daraunda, District- Siwan

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Bijay Prakash Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Sp.PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 02-12-2019 Heard learned counsel for the appellants and learned
Additional Special Public Prosecutor for the State.

The appellants in the present appeal are seeking setting-aside of order dated 14.08.2019 passed in A.B.P. No. 1388 of 2019 passed by learned 1st Additional Sessions Judge – cum – Special Judge, Siwan for grant of anticipatory bail to the appellants in connection with Daraunda P.S. Case No. 107 of 2019 for offences under Sections 147, 341, 323, 324, 504 of the I.P.C. and Section 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act.

Learned counsel for the appellants submits that no



specific allegation of calling the informant by his caste name by the appellants either alleged in the F.I.R. nor it is made out. The appellants and informant are co-villagers and due to petty dispute of drainage water the present case was lodged, however appellants have no criminal antecedent.

Learned Special P.P. for the State has opposed the prayer for anticipatory bail of the appellants.

Considering the facts and circumstances of the case wherein there is no specific allegation of assault against appellant no. 2 Hadisan Bibi @ Hadisa Bibi Mian and appellant no. 3 Ful Mohammad and the submission of the appellants to this extent has not been controverted by learned Special P.P. for the State, in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named appellant nos. 2 & 3 be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge – cum – Special Judge, Siwan, in connection with Daraunda P.S. Case No. 107 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

- (i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

So far as appellant no. 1 is concerned, there is specific allegation of assault against him, his prayer for anticipatory bail is, thus, refused.

As regards appellant no. 4 , learned counsel for the appellants submits that although there is an allegation of assault against him but in fact no injury has been caused due to such assault.

In the aforesaid view of the matter, in case, the appellant nos. 1 and appellant no. 4 surrender and pray for regular bail within a period of four weeks from today, their prayer for regular bail shall be considered on it's own merit, and in case, the appellant no. 4 has any material to show that the allegation against him of causing assault is not substantiated



by medical report/injury report, he would make a prayer in the court below to hear his application of regular bail on the same day which will be considered.

This appeal stands disposed off.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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