

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4254 of 2019

Arising Out of PS. Case No.-72 Year-2019 Thana- THAKURGANJ District- Kishanganj

1. Tajammul Haque @ Tazmul Haque Son of Kalwa Mohammad Resident of Village- Jhilbasti, P.S.- Thakurganj, District- Kishanganj.
2. Tazir Son of Tajammul Haque @ Tazmul Haque Resident of Village- Jhilbasti, P.S.- Thakurganj, District- Kishanganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Diwakar Sinha

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 21-11-2019 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 22.07.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Kishanganj in Thakurganj P.S. Case No. 72 of 2019 registered under Sections 302, 201/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over dispute of land, there was brawl between Muslim community and the ST community. In the meantime,



appellants along with 10-15 unknown miscreants dragged father of the informant into their house on 5.06.2019 and dead body of his father was found on the road side on the following day.

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 this case due to land dispute. C.O. Thakurganj, namely, Uday Krishna Yadav has lodged Thakurganj P.S. Case No. 71 of 2019 against members of both the parties for entering into brawl and causing injury to several persons in the occurrence. There is no eyewitness of the occurrence. Albeit, as per the statement of the informant, he had witnessed the appellants and other accused persons dragging his father inside their house on 5.06.2019 but, he neither took any step to get his father extricated from the clutches of the appellants nor informed the matter to the police on the said date, which creates serious doubt about statement of the informant and rules him out to be eyewitness of the occurrence. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent and have been languishing in custody since 08.06.2019.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, the above named appellants is 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 Act, Kishanganj in Thakurganj P.S. Case No. 72 of 2019.

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

(Prakash Chandra Jaiswal, J)

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