

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4328 of 2019

Arising Out of PS. Case No.-211 Year-2019 Thana- UCHKAGAON District- Gopalganj

1. AKHTAR HUSSAIN @ BABLOO Son of Alim Hussain Resident of Village - Harpur Safi Tola, P.S.- Uchkagaon, Distt - Gopalganj.
2. Shamser @ Sola @ Shamsheer Hussain @ Sona Mian Son of Alim Hussain Resident of Village - Harpur Safi Tola, P.S.- Uchkagaon, Distt - Gopalganj.
3. Budhan Mian @ Kyamuddin @ Mahammad Kyamoddin Son of Late Isamuddin @ Late Isamuddin Resident of Village - Harpur Safi Tola, P.S.- Uchkagaon, Distt - Gopalganj.
4. Chuddi Mian @ Jalaluddin @ Md. Jalaluddin Son of Late Isamuddin @ Late Isamuddin Resident of Village - Harpur Safi Tola, P.S.- Uchkagaon, Distt - Gopalganj.
5. Banbhar @ Baan Bhat @ Ban Bhatt Son of Late Aflatun Mian Resident of Village - Harpur Safi Tola, P.S.- Uchkagaon, Distt - Gopalganj.
6. Jahim Hussain Son of Hakim Mian Resident of Village - Harpur Safi Tola, P.S.- Uchkagaon, Distt – Gopalganj. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhakar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 17-10-2019 Heard learned counsel for the appellants

and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2)

of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 (hereinafter in
short referred to as the 'SC/ST Act') against the
refusal of prayer of anticipatory bail vide order dated
16.09.2019 passed by learned 1st Additional Sessions
Judge cum Special Judge, Gopalganj in connection
with Uchkagaon P.S. Case No. 211 of 2019



registered under Sections 341, 323, 324, 307 & 354 B/34 of the Indian Penal Code and Section 3(1) (r) & (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant Akhtar Hussain @ Babloo and co-accused Tanbir Hussain @ Dabloo always teases the girls of the informant on the way to their school and when the informant made the complaint of the same to their uncle Jahim Hussain, he slated in the name of the caste and ten accused persons including the appellants descending at the house of the informant armed with lathi, knife and sword etc. slated him in the name of caste and assaulted him dragging out of the house and when his family members rushed in his rescue they also assaulted them. They tore the attire of his daughter-in-law.

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 land dispute. The informant has encroached the land of the appellants and wants to grab the same. For which appellant no.3



has lodged informatory petition preceding to the case under hand and being peeved with the same, the informant has lodged this false and frivolous case against them. There is case and counter case between the parties. Injuries sustained by the victims are simple in nature. Allegations levelled against the appellants are general and omnibus in nature. There is delay of two days in lodging the F.I.R. without assigning any plausible explanation for the said delay. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Gopalganj in connection with Uchakagaon P.S. Case No. 211 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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