

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4304 of 2018

Arising Out of PS. Case No.-294 Year-2017 Thana- TURKAULIYA District- East
Champaran

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1. Md. Kamaruddin Mian @ Kamaruddin Mian, Son of Wakil Mian.
 2. Ekalakh Mian @ Pravej Alam, Son of Diljan Mian, Both Residents of Village- Chargaha Kachahari Tola, P.S.- Turkauliya, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-01-2019 By way of this memo of appeal, preferred under Section 14(A)(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities)Act, 2016, appellants seek for setting aside the order dated 26.09.2018, passed in Turkaulia P.S. Case No. 294 of 2017 for the offences punishable under Sections 341, 323, 324, 307, 354(B), 379, 504 and 509 of the Indian Penal Code and Section, Section 3/4 of Prevention of Witch Craft (Daain) Practices Act and Section 3(1)(X) of SC/ST Act, by the learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST (POA) Act, East Champaran at Motihari, whereby and whereunder, appellants' application for grant of anticipatory bail has been rejected.

Allegation against the appellants is that they misbehaved



with the informant and also assaulted the mother of the informant and also outraged the modesty of mother of the informant.

It has been submitted on behalf of the appellants that police after investigation has not found the allegations true against the appellants, however, cognizance has been taken against them under Section 307 of the Indian Penal and not under Section 354B of the Indian Penal Code.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and the impugned order is set aside, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of six weeks, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousands) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST (POA) Act, East Champaran at Motihari, in connection with Turkaulia P.S. Case No. 294 of 2017, subject to the conditions laid down under Section 438 (2) of Cr.P.C.

(Vinod Kumar Sinha, J)

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