

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5246 of 2019

Arising Out of PS. Case No.-129 Year-2018 Thana- SC/ST District- East Champaran

1. NURUDDIN MIAN Son of Late Hadis Mian Resident of Village - Laxmipur, Pokhariya Tola, Pokhariya, P.S.- Adapur, Distt - East Champaran.
2. Kaiffi Mian Son of Nuruddin Mian Resident of Village - Laxmipur, Pokhariya Tola, Pokhariya, P.S.- Adapur, Distt - East Champaran.
3. Saif Mian Son of Nuruddin Mian Resident of Village - Laxmipur, Pokhariya Tola, Pokhariya, P.S.- Adapur, Distt - East Champaran.
4. Aalim Mian Son of Kalam Mian Resident of Village - Laxmipur, Pokhariya Tola, Pokhariya, P.S.- Adapur, Distt - East Champaran.
5. Nizamuddin Mian Son of Late Hadis Mian Resident of Village - Laxmipur, Pokhariya Tola, Pokhariya, P.S.- Adapur, Distt - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Radha Mohan Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 03-12-2019 Heard learned counsel for the Appellants and learned counsel for the State.

This is an appeal under Section 14(A) (2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 08.11.2019 passed by 1st Additional Sessions Judge cum Spl. Judge, (SC & ST Act) Motihari, East Champaran in connection with Motihari SC/ST P.S. Case No. 129 of 2018 for the offence registered under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(i) 9a) (r) (s) of the



SC/ST Act.

Learned counsel for the Appellants submits that the present prosecution against the appellants is wholly misfounded and has been engineered by the employer of the informant, namely, Mukhtar Miya, who was inclined to purchase the land of the appellant no. 1 at a lesser price but only because he flatly refused to part with this property he has set up his employees with such false and frivolous charges. Learned counsel for the appellants submits that the allegation of assault with legs and fists is also not true and the informant has not brought on record any injury report. His further case is that the allegation under the SC/ST Act would not be attracted as there is no reference of the same being in public view. It is further submitted that on investigation, the police had submitted final form on 02.03.2019 and found the allegation against the appellant to be false but the learned Magistrate differing from the same has now taken cognizance, as a result whereof, the appellants are apprehending their arrest. It is further submitted that in view of the aforementioned facts, the appellants may be extended the privilege of pre-arrest bail.

Having regard to facts and circumstances of the case, let the appellants, above named, in the event of their



arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge cum Spl. Judge, (SC & ST Act) Motihari, East Champaran in connection with Motihari SC/ST P.S. Case No. 129 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Anjana Mishra, J)

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