

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5331 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- KANGLI District- West Champaran

1. MUNNI KHATOON Wife of Ghuil Mian @ Raj Hussain Resident of Village - Sonuwaria, P.S.- Kangli, District - West Champaran.
2. Arman Alam @ Arman Mian Son of Ghuil Mian @ Raj Hussain Resident of Village - Sonuwaria, P.S.- Kangli, District - West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey

For the Respondent/s : Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 05-12-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant application for anticipatory bail has been filed by the appellants apprehending their arrest in connection with Kangli P.S. Case No. 37 of 2019 registered for the offence punishable under sections 341, 323, 504 and 34 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST (Prevention of Atrocities) Act.

As per allegation made in the F.I.R., on account of damage of crops/vegetables, it is stated that appellants herein have assaulted the informant with lathi etc. and abused the informant by taking her caste name.

It is submitted by learned counsel for the appellants that from reading of the FIR itself, no ingredients of the offence



under SC/ST Act is present. No explanation has been given for the delay of five days in lodging of the FIR and the offences alleged under different sections of the Indian Penal Code are all bailable in nature. It is further stated that appellants have no criminal antecedent. Both parties have amicably settled the dispute and filed a petition to that effect.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the appellants and they are directed to surrender in the court below within a period of six weeks from today and in the event of their arrest or surrender, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, West Champaran at Bettiah in connection with Kangli P.S. Case No. 37 of 2019, subject to the condition as laid down under section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Partha Sarthy, J)

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