

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.644 of 2020

Arising Out of PS. Case No.-68 Year-2019 Thana- JALE District- Darbhanga

1. MD. ZAFAR @ MD. JAFAR Son of Md. Zainul
2. Abu Talib @ Md. Abu Talib Son of Md. Zafar @ Md. Jafar
Both resident of Village - Kazi Bahera, P.S.- Jalley, District - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mazharul Hassan

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2020 Heard learned counsel for the appellants and learned Special P.P. for the State through video conferencing.

The present appeal has been filed against the order dated 14.01.2020 passed by learned 1st Additional Sessions Judge cum Special Judge, (POA Act), Darbhanga, in Jally P.S. Case No. 68 of 2019 registered for the offences punishable under Sections 341/323/504/379/34 of the Indian Penal Code and Section 3(1)(r)(s) of the SC/ST Prevention of Atrocities Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, when the informant was going on motorcycle, these two appellants abused and assaulted the informant with *Lathi* and *Danda* and appellant No. 2 (Abu Talib) snatched rupees five hundred from his pocket.

It is submitted that the appellants have been falsely



implicated in this case due to land dispute and proceeding under Section 107 of the Cr. P.C. is pending between the parties. (Annexure-3). It is further submitted that the appellants have clean antecedents as stated in paragraph No. 3 of the petition.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 14.01.2020 passed by learned 1st Additional Sessions Judge cum Special Judge, (POA Act), Darbhanga in Jalley P.S. Case No. 68 of 2019 is set aside and appeal is allowed.

Accordingly, let the appellants, above named, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of a copy of this order, 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 learned 1st Additional Sessions Judge cum Special Judge, (POA Act), Darbhanga in connection with Jally P.S. Case No. 68 of 2019.

(Prabhat Kumar Singh, J)

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