

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1580 of 2020

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

1. TANVEER HUSSAIN @ DABLU MIAN Son of Aalim Hussain Resident of Village- Harpur, Safi Tola, P.S.- Uchkagaon, District- Gopalganj.
2. Raja Hussain Son of Late Sabir Hussain Resident of Village- Harpur, Safi Tola, P.S.- Uchkagaon, District- Gopalganj.
3. Rakashar @ Rukashar Siddique @ Rukasar Son of Jalaluddin @ Jalaluddin Mian Resident of Village- Harpur, Safi Tola, P.S.- Uchkagaon, District- Gopalganj.
4. Nishu Hussain Son of Tanveer Hussain @ Dabbu Mian Resident of Village- Harpur, Safi Tola, P.S.- Uchkagaon, District- Gopalganj.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pritish Ranjan, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-10-2020 Heard Mr. Pritish Ranjan, learned counsel for the appellants and Mr. Binay Krishna, learned Special Public Prosecutor appearing for the State through video conferencing.

Learned counsel for the appellants submits that during pendency of this appeal, appellant No. 1 has been arrested and, thus, anticipatory bail against appellant No. 1 has become infructuous. Accordingly, learned counsel for the appellants seeks permission to withdraw this appeal in so far as appellant No. 1 is concerned.

Permission is granted.



This appeal against appellant No. 1 is dismissed as withdrawn.

So far as appellant Nos. 2, 3 and 4 are concerned, this appeal has been preferred on their behalf for setting aside the order dated 14.02.2020 passed by the learned 1st Additional District & Sessions Judge, Gopalganj, whereby the payer for anticipatory bail of the appellants in connection with Uchakagaon P.S. Case No. 211 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307, 354(B), 34 of the Indian Penal Code, 1860, Sections 3(i) (r) & 2 (VA) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been rejected.

The allegation against the appellants as per the First Information Report is that the appellants along with other accused persons armed with *lathi*, knife, sword etc. came at the house of the informant and assaulted him and also called the informant by taking his caste name and dragged him out of the house. It has further been alleged that when family members of the informant came for rescue, they have also been assaulted by the appellants and other co-accused persons.

Learned counsel for the appellants submits that the appellants have not committed any offence in the manner



alleged and they have falsely been implicated in this case due to previous land dispute. Learned counsel further submits that the informant wants to capture the land of the appellants, for which, co-accused has filed informatory petition before the present occurrence. Learned counsel also submits that there is case and counter case between the parties inasmuch as Uchkagaon P.S. Case No. 214 of 2019 has been lodged by the side of the appellants. Learned counsel next submits that the injuries caused to the victim are simple in nature and the allegation against the appellants are general and omnibus. Learned counsel further submits that similarly situated co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.10.2019 passed in Cr. Appeal (SJ) No. 4328 of 2019.

Having heard learned counsel for the parties and taking into consideration the materials on record and also the fact that similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court, this appeal is allowed and the impugned order dated 14.02.2020 passed by the learned 1st Additional District & Sessions Judge, Gopalganj, in connection with Uchakagaon P.S. Case No. 211 of 2019 is hereby set aside.



Accordingly, in the event of arrest or surrender before the court below within six weeks from today by the appellants No. 2, 3 and 4, above named, they shall 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 learned 1st Additional District & Sessions 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 Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

