

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1507 of 2020

Arising Out of PS. Case No.-286 Year-2019 Thana- BARSOI District- Katihar

1. MD. MAINUL Son of Jalil Resident of Village- Najabari, P.S.- Barsoi, (Kachna), District- Katihar.
2. Md. Rajibul Son of Md. Rahim Resident of Village- Najabari, P.S.- Barsoi, (Kachna), District- Katihar.
3. Md. Akalu Son of Jalil Resident of Village- Najabari, P.S.- Barsoi, (Kachna), District- Katihar.
4. Asraful Son of Zainal Resident of Village- Najabari, P.S.- Barsoi, (Kachna), District- Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Md. Helal Ahmad
For the State	:	Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Barsoi (Kachna) P.S. Case No.



286 of 2019 registered for the offences under Sections 147, 148, 149, 341, 342, 323, 337, 353, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2), Va of the SC/ST Act.

Allegedly, the informant who is the Officer in charge of concerned police station, went to the house of accused for the purpose of arrest in a case and he found the accused in house. The informant asked him to come with him to the police station for query, as a result of which, the appellants along with other accused persons misbehaved with him and abused taking his caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case for the oblique reasons. The nature of injury is superficial. No grievous injury is said to have been caused. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case. The other co-appellants with similar allegation have been granted anticipatory bail by this court vide order dated 25-06-2020 passed in Cr. Appeal (SJ) No. 809 of 2020.



On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 23-06-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, Katihar in Barsoi (Kachna) P.S. Case No. 286 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of eight 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 learned Additional District & Sessions Judge-Ist-cum-Special Judge, Katihar in connection with Barsoi (Kachna) P.S. Case No. 286 of 2019.

(Sudhir Singh, J)

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