

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1582 of 2020

Arising Out of PS. Case No.-88 Year-2020 Thana- SIMRI District- Darbhanga

-
1. UMESH MAHTO Son of Jagdish Mahto Resident of Village- Bastawara, P.S.- Simri, District- Darbhanga.
 2. Nafis Ahmad Khan @ Jhunna Khan Son of Nadir Khan Resident of Village- Bastawara, P.S.- Simri, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Iqbal Asif Niazi
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2020 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 Simri P.S. Case No. 88 of 2020
registered for the offence under Sections 147, 148, 149, 341,
323, 307, 504, 506 of the Indian Penal Code and Sections 3(i)(r)



(s) of the SC/ST (Prevention of Atrocities) Act.

Allegedly, while the informant was returning to his home from Simri Police Station and reached the village, the accused persons assaulted and abused him by saying his caste name. It is also alleged that accused Shamima Khatoon was throwing brick and stone upon him.

It has been submitted on behalf of the appellants that the appellant No. 1 has 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. There is case and counter case between the parties. The nature of injury is said to be simple. No offence u/S 307 of the Indian Penal Code is made out. The alleged occurrence has not taken place at a public place. Hence, no offence under the SC/ST Act is also attracted in the present case.

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 01-07-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST (POA) Act, Darbhanga in Saran Simri P.S. Case No. 88 of 2020 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, SC/ST (POA) Act, Darbhanga in connection with Simri P.S. Case No. 88 of 2020.

(Sudhir Singh, J)

A.K.V//-

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

