

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1866 of 2020

Arising Out of PS. Case No.-141 Year-2020 Thana- MAJHAULIA District- West Champaran

1. MANIF MIAN @ MOHAMMAD MANIPH MIYA S/O Late Nathuni Mian
Resident of Village - Gudara, P.S. - Majhaulia, District - West Champaran.
2. Aftab Mian S/O Manif Mian @ Mohammad Maniph Miya Resident of
Village - Gudara, P.S. - Majhaulia, District - West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar, Advocate

For the Respondent/s : Mr.Binay Krishna Mallik, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-12-2020 Heard learned counsel for the appellants and the

State.

The appellants are aggrieved by the order dated 04.07.2020 passed by the Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in B.P.No. 1394/2020 arising out of Majhaulia P.S. Case No. 141 of 2020, registered for the offences under Sections 489, 447 504, 506/34 IPC and Sections 3(i) (r) 3(2) (v)-(a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby prayer for grant of regular on behalf of the appellant has been rejected.

Allegation against the appellants is that they have erected their house on a land which does not belong to them. The said land is Gairmajarua land commonly used by the villagers. The informant has objected the aforesaid acts of the



appellants.

Learned counsel appearing on behalf of the appellants would submit that in the totality of the fact situation, no man can arrive at a conclusion that the instant case is attracted by the provisions of SC/ST Act. The appellants are in custody since 27.5.2020.

Considering the totality of the fact situation, the appellants have no criminal antecedent and the fact that the appellants have remained in custody since 27.05.2020, the impugned order dated 04.07.2020 is set aside and the appeal is, accordingly, allowed.

Let the appellants, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I-cum- Special Judge SC/ST (POCSO) Act, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 141 of 2020.

(Anil Kumar Upadhyay, J)

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