

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4764 of 2019

Arising Out of PS. Case No.-327 Year-2019 Thana- BAHADURPUR District- Darbhanga

1. Nasima Khatoon, age 35 years, Gender-Female, W/o Md. Ishaq, Resident of Village- Ughara, P.S.- Bahadurpur (Pator O.P.), District- Darbhanga.
2. Samina Khatoon, age 32 years, Gender-Female, W/o- Md. Murtuja, Resident of Village- Ughara, P.S.- Bahadurpur (Pator O.P.), District- Darbhanga.
3. Shahjahan Khatoon, age 23 years, Gender-Female, W/o- Md. Zakir Hussain, Resident of Village- Ughara, P.S.- Bahadurpur (Pator O.P.), District- Darbhanga.
4. Hasina Khatoon, age 25 years, Gender-Female, W/o- Md. Intaz, Resident of Village- Ughara, P.S.- Bahadurpur (Pator O.P.), District- Darbhanga.
5. Nasina Khatoon @ Nasima Khatoon, age 45 years, Gender-Female, W/o Md. Yusuf, Resident of Village- Ughara, P.S.- Bahadurpur (Pator O.P.), District- Darbhanga.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr.Nilesh Kumar, Advocate.
For the Respondent	:	Mrs. Usha Kumari No. 1, Spl. P.P.
For the Informant	:	Mr. Gajendra Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 06-10-2020 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.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Bahadurpur P.S. Case No. 327 of 2019, registered for the offences under Sections 302/34 of the



I.P.C. and Section 3 (2)(v) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, in short, is that on 08.07.2019 at 10.00 A.M., rain water was flowing over the *Latrine* of the informant for which he alongwith his father came to stop the same. Upon which, Md. Imtiyaz, Md. Mansoor and Md. Zakir abused by taking his caste name other they will kill them and they started assaulting his father with Lathi and Danda. The female members, namely, Nasima Khatoon, wife of Md. Ishaque, Samina Khatoon, Johra Khatoon, Nasima Khatoon, wife of Md. Yusuf, Shajahan Khatoon, Hasina Khatoon and the wife of Md. Mukhtar and others were also involved. Md. Imtiyaz gave order to kill by taking caste name upon which, Md. Zakir threw his father on the ground and assaulted with back of *Spade* on his neck, as a result of which, his father Ghuran Ram died.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the appellants. General and omnibus allegation has been made against them. No specific overtact is alleged against them. The



alleged occurrence has not taken place within public view.
Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State and informant , it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 05.09.2019, passed by learned Additional Sessions Judge-Ist-cum-Special Judge, (SC/ST Act), Darbhanga, in A.B.P. No. 1400 of 2019, arising out of Bahadurpur P.S. Case No. 327 of 2019, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve 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 Sessions Judge-Ist-cum-Special Judge, (SC/ST Act), Darbhanga in connection with Bahadurpur P.S. Case No. 327 of 2019.

(Sudhir Singh, J)

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