

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5088 of 2019**

Arising Out of PS. Case No.-2 Year-2019 Thana- SIKTA District- West Champaran

1. RAHULLAH @ ROHILA Son of Anjar Miyan @ Anjar Ahmad Resident of Kurshibarwa, P.S.- Sikta, District- West Champaran.
2. Kalimullah @ Kamullah Son of Anjar Miyan @ Anjar Ahmad Resident of Kurshibarwa, P.S.- Sikta, District- West Champaran.
3. Saheb @ Nurullah Son of Anjar Miyan @ Anjar Ahmad Resident of Kurshibarwa, P.S.- Sikta, District- West Champaran.
4. Md. Iqubal Son of Late Aanulhak Resident of Kurshibarwa, P.S.- Sikta, District- West Champaran.
5. Nausad Alam Son of Seikh Abdul Bari Resident of Kurshibarwa, P.S.- Sikta, District- West Champaran.
6. Majhar Aansari Son of Aanul Aansari Resident of Kurshibarwa, P.S.- Sikta, District- West Champaran.
7. Aamrudin Mian Son of Aadalat Miyan Resident of Kurshibarwa, P.S.- Sikta, District- West Champaran.
8. Isatakhar Alam Son of Md. Akram Resident of Kurshibarwa, P.S.- Sikta, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Bhagya Narayan Jha  
For the Respondent/s : APP

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

4      07-01-2020                      Appellants seek pre-arrest bail in connection with Sikta P.S.Case No. 2 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 379, 504, 506 of the Indian Penal Code and Section 3 (i)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



As per FIR it is alleged that while appellants and others were going on a tractor by playing DJ, the informant protested on which they have lifted the informant and taken him to a field, assaulted him and taken away Rs.28,000/- from his pocket. There is also allegation that they also assaulted one Brijesh Mahto and also snatched his motorcycle, driving licence, ATM card and Rs.10,000/- from him.

Submission of learned counsel for the appellants is that there was no intention to humiliate the informant, rather they were playing DJ which was obstructed by informant, as such some altercation took place and taking advantage of the same the present case has been filed making allegation under SC/ST Act.

Heard learned counsel for the State also.

Having heard both sides and in the facts and circumstances, as stated above, let appellants, named above, surrender in the court below and on surrender they shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, West Champaran, Bettiah, in connection with Sikta P.S.Case No. 2 of 2019, subject to the conditions as laid



down under Section 438(2) of the Code of Criminal Procedure and further conditions are that one of the bailors of the appellants shall be a local person having sufficient immoveable properties within the jurisdiction of court concerned and they have to co-operate in investigation, otherwise their bail bonds shall be cancelled.

Accordingly, this appeal is allowed and the impugned order dated 1.8.2019 is set aside.

**(Vinod Kumar Sinha, J)**

spal/-

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