

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1405 of 2021**

Arising Out of PS. Case No.-147 Year-2020 Thana- GAUTAMBUDHNAGAR District-
Siwan

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SADAM MIYAN @ SADDAM MIYAN @ SADRADAM MIAN @ MD.
SADDAM S/O MD. MUSLIM @ MUSLIM MIAN R/O VILLAGE-
HEYATPUR, P.S.-G.B. NAGAR, DISTRICT-SIWAN.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bijay Prakash Singh

For the Respondent/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-08-2021 Heard learned counsel for the appellant and the

State through virtual mode.

The matter relates to grant of anticipatory bail to the
appellant in connection with G.B. Nagar P.S. Case No. 147 of
2020 registered for the offences under Sections 341, 342, 323,
307, 504, 506, 34 of the Indian Penal Code and Sections 3(1)(r)
(s) of the SC/ST Act.

Allegedly, the informant's son was playing at his door. At
the same time, the accused persons came and dashed the
informant's son. It is further alleged that on the query made by
the informant, the accused persons took out knife and gave knife
blow on the neck of informant as a result of which, he sustained
injury. When the informant's nephew came to rescue him, he



was also assaulted and abused taking his caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The case has been instituted after four days of the alleged occurrence. 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 within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 20-10-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, Siwan in G.B. Nagar P.S. Case No. 147 of 2020 is set aside. The present Criminal Appeal is *allowed*.

Let the appellant, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional



District & Sessions Judge-Ist-cum-Special Judge, Siwan in
G.B. Nagar P.S. Case No. 147 of 2020.

Once the normalcy is restored, the appellant shall
furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with
two sureties of the like amount each within a period of eight
weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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