

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1052 of 2021

Arising Out of PS. Case No.-312 Year-2020 Thana- KAHALGAON District- Bhagalpur

1. MD JAHANGIR Son of Md. Israil Resident of Village - Pathanpura, Ward No.1, P.S.- Kahalgaon, Dist- Bhagalpur.
2. Md. Pogo @ Md. Arshad Son of Md. Jahangir Resident of Village - Pathanpura, Ward No.1, P.S.- Kahalgaon, Dist- Bhagalpur.
3. Shafi Alam Son of Md. Pakko Resident of Village - Pathanpura, Ward No.1, P.S.- Kahalgaon, Dist- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nawal Kishore Agrawal, Sr. Advocate
For the Respondent/s : Mr. Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-04-2021 Heard Mr. Nawal Kishore Agrawal, learned senior counsel for the appellants and Mr. Sadanand Paswan, learned Additional Public Prosecutor appearing for the State.

This appeal has been preferred on behalf of the appellants for setting aside the order dated 01.12.2020 passed by the learned Additional District & Sessions Judge-III-cum-Special Judge, (S.C./S.T. Act), Bhagalpur, whereby the prayer for bail of the appellants in G.R. No. 81 of 2020 arising out of Kahalgaon P.S. Case No. 312 of 2020, registered for the offences punishable under Sections 448, 427, 323, 436/34 of the Indian Penal Code, 1860 and Section 3(i)(r)(s) of SC/ST Act, has been rejected.



The allegation as per the First Information Report is that the appellants along with other accused persons entered into the house of the informant and abused the husband and other family members of the informant and also assaulted the husband and son of the informant by means of *lathi*, *danda*, iron rod etc.

Learned senior counsel for the appellants submits that both the parties are neighbours and co-villagers and they have falsely been implicated in this case due to the dispute relating to loan of a sum of Rs.2,000/- between them. Learned senior counsel further submits that the appellants have not committed any offence in the manner alleged and from perusal of the impugned order it would be evident that the injury caused to one Bablu Chaudhry was found to be simple in nature. Learned counsel next submits that the appellants are in custody since 19.9.2020 and charge sheet has already been submitted in the matter.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the charge sheet has already been submitted in the matter, this appeal is allowed and the impugned order dated 01.12.2020 passed by the learned Additional District & Sessions Judge-III-cum-Special Judge, (S.C./S.T. Act), Bhagalpur, in



connection with G.R. No. 81 of 2020 arising out of Kahalgaon P.S. Case No. 312 of 2020, is hereby set aside.

Accordingly, the appellants, above named, shall be released on 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-III-cum-Special Judge (S.C./S.T., Act), Bhagalpur, in connection with G.R. No. 81 of 2020 arising out of Kahalgaon P.S. Case No. 312 of 2020.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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