

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.595 of 2020**

Arising Out of PS. Case No.-17 Year-2019 Thana- KODHOBARI District- Kishanganj

1. Maizun Khatoon, Aged about 37 years, Female, Wife of Yar Mohammad Resident of Village Laxmipur Talib Tola, P.S. Kodhobari, District Kishanganj.
2. Peshkar Mohammad, Aged about 38 years, Male, Son of Jan Mohammad, Resident of Village Laxmipur Talib Tola, P.S. Kodhobari, District Kishanganj.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Prawesh Kumar
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 04-03-2021 Heard both sides.

The appellants filed this appeal under Section 14A (2) of the SC/ST Act against the order dated 27.01.2020, passed by learned Additional District & Sessions Judge, Ist-cum-Special Judge, Kishanganj in ABP No.02 of 2020, by which the learned Additional District & Sessions Judge, Ist-cum-Special Judge rejected the prayer for grant of anticipatory bail of the appellants in Kodhobari P.S. Case No.17 of 2019, registered under Sections 341, 323, 353, 506 and 34 of the Indian Penal Code and under Section 3(i)(r)(s) of the SC/ST Act.

The informant, a *Chowkidar*, alleged that while he was on duty, Yar Mohammad came on a tractor loaded with sand. When he started checking the tractor, Yar Mohammad abused and assaulted. His wife also came there.

Learned counsel for the appellants submits that the



appellants are wife of Yar Mohammad and the relation of Yar Mohammad. Yar Mohammad has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 21.06.2019, passed in Criminal Appeal (SJ) No.2365 of 2019. Appellant No.2 is not named in the FIR.

Having considered the facts that similarly situated Yar Mohammad has already been granted anticipatory bail, I find that the appellants deserve anticipatory bail. Accordingly, the appeal is allowed. The order dated 27.01.2020, passed by learned Additional District & Sessions Judge, Ist-cum-Special Judge, Kishanganj in ABP No.02 of 2020 is set aside.

Appellants, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged 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 the learned Additional District & Sessions Judge, Ist-cum-Special Judge, Kishanganj in connection with Kodhobari P.S. Case No.17 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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