

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.975 of 2020

Arising Out of PS. Case No.-193 Year-2017 Thana- KURTHA District- Jehanabad

MD. NAJISH @ JISHAN KHAMAR Son of Zarif Ahmad Resident of
Village- Pijranwan, P.S.- Kurtha, District- Arwal.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binay Kumar

For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-02-2021 Learned counsel for the appellant is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

Heard learned counsel for the appellant and learned
APP for the State.

The matter relates to grant of anticipatory bail to the
appellant in connection with a case registered for the offences
under Sections 341, 323, 504/34 of the Indian Penal Code and
Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act,
1989.

The prosecution case, in short is that the accused
persons including the appellant assaulted the informant and his
father with lathi, danda, due to which they sustained injuries and
they also abused the informant.



It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The alleged occurrence is said to have taken place on 03.12.2017 and the case was instituted on 05.12.2017. Delay has not been explained by the prosecution. For a petty reason the alleged occurrence is said to have taken place. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 05.02.2020, passed by the learned Additional Sessions Judge 1st, Jehanabad vide A.B.P. No.66 of 2020 in connection with Special SC/ST case No.194 of 2017 arising out of Kurtha P.S. case No.193 of 2017, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Additional Sessions Judge 1st, Jehanabad in connection with
Special SC/ST case No.194 of 2017 arising out of Kurtha P.S.
case No.193 of 2017.

(Sudhir Singh, J)

Narendra/-

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