

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1081 of 2020

Arising Out of PS. Case No.-436 Year-2019 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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1. MD. NOOR KHAN S/o Md. Salam Khan Resident of Village- Sadpura Pokhariapir, Milki Tola, P.S.- Kazi Mohammadpur, Distt- Muzaffarpur.
 2. Chhotu Khan S/o Md. Salam Khan Resident of Village- Sadpura Pokhariapir, Milki Tola, P.S.- Kazi Mohammadpur, Distt- Muzaffarpur.
 3. Md. Navi Hassan @ Gunda Khan S/o Md. Salam Khan Resident of Village- Sadpura Pokhariapir, Milki Tola, P.S.- Kazi Mohammadpur, Distt- Muzaffarpur.
 4. Rashida Khatoon W/o Md. Salam Khan Resident of Village- Sadpura Pokhariapir, Milki Tola, P.S.- Kazi Mohammadpur, Distt- Muzaffarpur.
 5. Sakina Khatoon @ Mintu Khatoon @ Mintu Khan W/o Md. Phul Khan Resident of Village- Sadpura Pokhariapir, Milki Tola, P.S.- Kazi Mohammadpur, Distt- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Anand

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-02-2021 Heard the parties.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellants in connection with Kazi Mohammadpur P.S. Case No. 436 of 2019 registered for the offences under Sections 341, 323, 504, 506, 448, 354(A) and 379 of the Indian Penal Code



and Sections 3(1)(r)(s) of the SC/ST Act.

Allegedly, while the informant's husband had gone to work, the accused persons entered her room and taking here caste name, started assaulting with Lathi, Danda and knife. The allegation of outraging the modesty is also there.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. General and omnibus allegation has been made against the appellants. The specific allegation is against co-accused Phool Khan. No specific overt act is alleged against the appellants. 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 appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 24-01-2020 passed by learned Special Judge, SC/ST Act, at Muzaffarpur in Kazi Mohammadpur P.S. Case No. 436 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, above named, in the



event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory 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 Special Judge, SC/ST Act, at Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 436 of 2019.

(Sudhir Singh, J)

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