

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2418 of 2021

Arising Out of PS. Case No.-176 Year-2019 Thana- JALE District- Darbhanga

1. MIRZA AIYUB BAIG @ MIRZA FARHAD REZA BAIG Son of Mirza Habib Reza Baig Resident of Village - Garri, P.S.- Jale, District - Darbhanga.
2. Mirza Ibahim Baig @ Mirza Gulna Reza Baig @ Mirza Gulnaj Reza Baig Son of Mirza Habib Reza Baig Resident of Village - Garri, P.S.- Jale, District - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kedar Jha, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 26-10-2021 Heard Mr. Kedar Jha, learned counsel for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 21.01.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC & ST (POA), Act, Darbhanga in A.B.P No. 2263 of 2019 arising out of Jale P.S. Case No. 176 of 2019, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences under Sections 341, 323, 324, 354, 447, 448, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST



(POA) Act has been rejected.

The accusation against the appellants and another is of having entered the house of the informant, abusing the members of the prosecution party and also assaulting some of them. Another story has been narrated in the First Information Report regarding the objection of the appellants in the use of the public tube-well by the informant.

The learned counsel for the appellants has submitted that an absolutely false case has been lodged against them. In fact, the mother of the appellants runs a shop for viands and comestibles in the village. On a particular day, the informant wanted to take some provisions from the shop of the mother of the appellants but the same was refused because Rs. 3,000/- by that time had become due to the informant. This is the main bone of contention between the parties. There is a counter version of the occurrence also by way of a complaint case lodged by appellant no. 2 against the informant and others.

The accusation involving mischief of SC/ST (Prevention of Atrocities), Act is absolutely unwarranted,



unjustified and the allegation has been levelled only to add serious colour to the case.

Regard being had to the afore-stated facts, the order dated 21.01.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC & ST (POA), Act, Darbhanga, is set aside.

The appeal stands allowed.

The appellants, above named, are directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC & ST (POA), Act, Darbhanga in connection with Jale P.S. Case No. 176 of 2019.

(Ashutosh Kumar, J)

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