

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2396 of 2021

Arising Out of PS. Case No.-404 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

MD. RUSHTAM, Son of Md. Muslim Ansari @ Md. Muslim @ Kabuchi,
Resident of Village - Majhauri Dharamdas, P.S.- Sadar, District - Muzaffarpur.
... .. Appellant/s

Versus

The State of Bihar Respondent/s

Appearance :

For the Appellant/s : Mr.Majid Mahboob Khan, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-06-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual court proceedings.

The appeal has been filed by the appellant against the order dated 01.10.2020 by the learned Additional District Judge-IIIrd cum Special Judge S.C./S.T. Act, Muzaffarpur whereby the prayer for bail of the appellant was rejected, in connection with Muzaffarpur Sadar P.S. Case No. 404/2020 registered for the offences under Sections 147, 148, 149, 341, 324, 326, 307 and 302 of the Indian Penal Code and under Sections 3 (i)(r) (s) 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant alongwith other accused persons is said to have assaulted the informant and his family members by deadly weapons.

Learned counsel for the appellant submits that the



appellant is innocent and has been committed no offence in this case. There is general and omnibus allegation against the appellant. The specific allegation against the co-accused namely Md. Jahagir. There is no overt act against the appellant. He further submits that the appellant had not abused the informant by taking specific name, therefore, no case is made out against the appellant. The appellant is in custody since 24.07.2020 and has got no criminal antecedent which is mentioned in para 3 of the bail application.

Learned Special P.P. for the State opposed the prayer for bail.

Considering the aforesaid facts and circumstances of this case, let the appellant, above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Muzaffarpur Sadar P.S. Case No. 404/2020.

Accordingly, the order dated 01.10.2020 is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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