

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2397 of 2021

Arising Out of PS. Case No.-155 Year-2020 Thana- BARSOI District- Katihar

1. MANSOOR ALAM @ MD. MANSOOR ALAM, S/O LATE MAHBOOL ALAM @ MUNSI R/o village- Emadpur, P.S.- Barsoi, District- Katihar
2. Rakiv @ Rakib Alam, S/o Late Mahbool Alam @ Munsi R/o village- Emadpur, P.S.- Barsoi, District- Katihar
3. Rauf Alam @ Bhowa, S/o Late Mahbool Alam @ Munsi R/o village- Emadpur, P.S.- Barsoi, District- Katihar
4. Azam Alam @ Md. Azam, S/o Late Mahbool Alam @ Munsi R/o village- Emadpur, P.S.- Barsoi, District- Katihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimal Kumar

For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-08-2021

I. A. No. 01 of 2021

For the reasons stated in the Interlocutory Application for condonation of delay, the prayer is allowed.

The delay is condoned.

Heard Mr. Bimal Kumar, learned Advocate for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated



01.10.2020, passed by the learned Sri Rishi Kumar Singh, the learned A.DJ. 1st cum Special Judge, Katihar, in A.B.P. No. 52 of 2020, arising out of Barsoi P. S. Case No. 155 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 341, 323, 324, 354 (B) and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation against the appellants is of assaulting and abusing the members of the prosecution party.

The learned advocate for the appellants has submitted that an absolutely false case has been lodged against the appellants. In fact, the informant had assaulted the wife of appellant no. 3 for which a case has been instituted *vide* Barsoi P. S. Case No. 157 of 2020.

It has further been stated that the F.I.R. has



been lodged after six (6) days without there being any relevant explanation for the same. The parties have fought against each other for the passage of land.

There is no injury report on record.

Regard being had to the afore-stated facts and taking into account the clean antecedents of the appellants, the order dated 01.10.2020, passed by the learned Sri Rishi Kumar Singh, the learned A.DJ. 1st cum Special Judge, Katihar, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sri Rishi Kumar Singh, the learned A.DJ. 1st cum Special Judge, Katihar, in connection with Barsoi P. S. Case No.



155 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

While saying so, this Court has taken note of the fact that the accusation under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is highly exaggerated and unwarranted.

(Ashutosh Kumar, J)

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