

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2044 of 2020

Arising Out of PS. Case No.-560 Year-2019 Thana- BAHADURPUR District- Darbhanga

1. Md. Salauddin S/o Md. Rahman Resident of Village- Ballopur, P.S.- Bahadurpur, District- Darbhanga.
2. Md. Husnain S/o Md. Hannan Resident of Village- Ballopur, P.S.- Bahadurpur, District- Darbhanga.
3. Md. Fida Hussain S/o Md. Allauddin Resident of Village- Ballopur, P.S.- Bahadurpur, District- Darbhanga.
4. Md. Saider S/o Md. Haidar Resident of Village- Ballopur, P.S.- Bahadurpur, District- Darbhanga.
5. Md. Aslam S/o Md. Qurban Resident of Village- Ballopur, P.S.- Bahadurpur, District- Darbhanga.
6. Md. Allauddin S/o Md. Qurban Resident of Village- Ballopur, P.S.- Bahadurpur, District- Darbhanga.
7. Md. Haider S/o Md. Qurban Resident of Village- Ballopur, P.S.- Bahadurpur, District- Darbhanga.
8. Md. Wasiur Rahman @ Md. Nathu S/o Late Md. Moti Resident of Village- Ballopur, P.S.- Bahadurpur, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kedar Jha
For the Respondent/s : Mr.Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 12-03-2021 Heard learned counsel for the parties.

The present appeal has been filed against order dated 27.01.2020 passed by learned A.D.J.-I cum Special Judge, Darbhanga, in Bahadurpur P.S. Case No. 560 of 2019 registered for the offence punishable under Section 307 & other allied



sections of the Indian Penal Code and Section 3(1)(r)(s) of SC,ST (POA) Act, whereby the prayer for grant of anticipatory bail of appellants was rejected.

F.I.R. has been lodged against 24 named, which includes appellants, and 10-15 unknown, and it has been alleged that on 05.11.2019 at 3:00 PM, Md. Allauddin (appellant no. 6) with his tractor and owner and driver of 10 tractors were driving the tractor rashly and negligently, which was opposed by the villagers and informant, then they abused the informant by caste name and fled away from there. It is further alleged that on 06.11.2019 at about 7:00 AM, these appellants with other co-accused, armed with various weapons, came, abused informant side by caste name and started assaulting them and when ladies came to save them, the accused persons tore their saree & blouse, due to which, they became naked.

It is submitted on behalf of appellants that appellants have been falsely implicated in this case due to long standing dispute between the parties and appellant no. 6 has also filed a case against informant and others, vide Bahadurpur P.S. Case No. 561 of 2019. It is further submitted that there is no specific allegation of assault against appellants, rather it is general and omnibus in nature. It is further submitted that there was free-



fight between the parties and both sides sustained injuries.

Considering the nature of allegation and the fact that there is case and counter case between the parties, the impugned order dated 27.01.2020 passed by learned A.D.J.-I cum Special Judge, Darbhanga, in Bahadurpur P.S. Case No. 560 of 2019 is hereby set aside and appeal is allowed.

Accordingly, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of copy of this order, let the appellants, above named, be enlarged on 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 A.D.J.-I cum Special Judge, Darbhanga in connection with Bahadurpur P.S. Case No. 560 of 2019.

(Prabhat Kumar Singh, J.)

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