

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1595 of 2020

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

MIRZA HABIB REZA BAIG @ MIRZA HABIB RAJA BAIG @ CHAND
Son of Late Mirza Taslim 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
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-01-2021 Heard learned counsel for the appellant and the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 18.02.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST (Prevention of Atrocities) Act), Darbhanga in connection with Jale P.S. Case No. 176 of 2019 under Sections 341, 323, 324, 354, 447, 448, 504, 506 and 34 of the Indian Penal Code and section 3(I)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant was rejected.

As per the FIR, on 20.10.2019 at about 7.00 am, appellant along with other co-accused entered into the house of



informant, abused and assaulted the sons of informant with knife and also assaulted the daughter with iron rod. It is further alleged that due to water logging on the way scuffle took place between the parties.

It is submitted on behalf of appellant that there is case and counter case. Injuries have been found to be simple. No case under SC/ST Act is made out, as the alleged abuse has taken place inside the house of informant. Appellant has got clean antecedent, as stated in para 3 of the petition.

Considering the aforesaid facts, the appeal is allowed. The impugned order dated 18.02.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Darbhanga is set aside.

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

(Prabhat Kumar Singh, J)

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