

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2074 of 2020**

Arising Out of PS. Case No.-327 Year-2019 Thana- BAHADURPUR District- Darbhanga

MD. ZAKIR Son of Md. Mahmad Hussain Resident of Village - Ughra, P.S.-  
Bahadurpur, District - Darbhanga

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Appellant/s  | : | Mr.Baidya Nath Prasad             |
| For the Respondent/s | : | Mrs. Usha Kumari No. 1, Spl. P.P. |
| For the Informant    | : | Mr. Gajendra Kumar Singh          |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      16-08-2021                      Heard learned counsel for the appellant and learned  
Special P.P. for the State through virtual mode.

Learned counsel for the appellant is directed to  
remove the defects, as pointed out by the Office, within a period  
of four weeks after restoration of normalcy.

The appellant has challenged the order dated  
19.11.2019 passed by learned A.D.J.-1st -cum- Special Judge,  
Darbhanga in ABP No. 1898 of 2019 in connection with  
Bahadurpur P.S. Case No. 327 of 2019 registered for the  
offences under sections 302/34 of the Indian Penal Code and  
3(2)(v) of SC/ST (Prevention of Atrocities) Act whereby the  
prayer made on behalf of the appellant for grant of anticipatory  
bail has been rejected.



Prosecution allegation, in short, is that the accused persons including the appellant assaulted the informant and his father due to which they sustained injuries and later his father succumbed to the injuries. The accused persons also abused the informant and family members by taking their caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. It is submitted that on the alleged date of occurrence, the appellant was not present at the place of occurrence. He works at Delhi. The allegation is that the appellant had given a kudali blow on the neck of the deceased. From perusal of the post-mortem report, it appears that there is no external injury on the body of the deceased. The allegation made in the F.I.R. is not corroborated with the post-mortem report. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances,



the order dated 19.11.2019 passed by learned A.D.J.-1st -cum- Special Judge, Darbhanga in ABP No. 1898 of 2019 in connection with Bahadurpur P.S. Case No. 327 of 2019, is set aside.

The appeal stands allowed.

Let the appellant above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned A.D.J.-1st -cum- Special Judge, Darbhanga in connection with Bahadurpur P.S. Case No. 327 of 2019.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

Pankaj/-

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