

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3108 of 2021**

Arising Out of PS. Case No.-447 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Md Sami Alam Son Of Md. Fekan Sah @ Md. Fekan R/O Village- Shahpur,
P.S- Muffasil (Lakho O.P) Dist- Begusarai

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shubhesh Pandey
For the Respondent/s : Mr.Special P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 13-08-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed against order dated
25.06.2021 passed by learned Special Judge, SC/ST (POA) Act,
Begusarai in G.R. No. 875 of 2020, arising out of Mufassil P.S.
Case No. 447 of 2020, registered for the offence punishable
under Sections 147, 148, 149, 341, 323, 354(B), 337, 338, 307,
504, 506 of the Indian Penal Code and Sections 3(1)(r)(s) / 2(v)
of SC/ST Act, whereby the prayer for bail of appellant has been
rejected.

As per the prosecution case, co-accused Md.
Allauddin @ Tinku committed indecent act against daughter of
the informant and when the informant and others went to the



house of co-accused Md. Allauddin, they were abused and attacked with bricks and stones by the accused persons. It is further alleged in the FIR that appellant and other FIR named accused persons used to assault and tease the informant side.

It is submitted on behalf of the appellant that appellant is innocent and has committed no offence. Specific allegation of committing indecent act is against co-accused Md. Allauddin. There is land dispute between the parties. Similarly situated co-accused namely Md. Shahid @ Pappu and Md. Iqbal @ Appu have already been granted bail by a coordinate Bench of this Court, vide order dated 07.07.2020 passed in Cr.Appeal (SJ) No. 174 of 2021 (Annexure – 3). No case of SC/ST Act is made out against this appellant. The appellant has got clean antecedent, and he is in custody since 10.02.2021.

Learned Special P.P. has opposed the appeal.

Considering the nature of allegation and clean antecedent of the appellant, the impugned order dated 25.06.2021 is, hereby, set aside and this appeal is allowed.

Let the appellant, above named, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Begusarai in connection with



G.R. No. 875 of 2020, arising out of Mufassil P.S. Case No. 447
of 2020.

(Prabhat Kumar Singh, J.)

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