

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2118 of 2020

Arising Out of PS. Case No.-87 Year-2017 Thana- NARPATGANJ District- Araria

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1. DOMI MIYA, aged about 42 years (M), son of Shahid Miya.
 2. Shahid Miya, aged about 65 years (M), son of Sekhabat Miya.
 3. Sanif Miya @ Sanif, aged about 40 years (M), son of Yasin Miya.
 4. Majid Miya, aged about 45 years (M), son of Chutahru Miya.
 5. Salim Miya, aged about 42 years (M), son of Lakhan Miya @ Sakhan Miya.
 6. Md. Kudus, aged about 40 years (M), son of Md. Hafiz.
 7. Kalauddin, aged about 40 years (M), son of Safid Miya.
 8. Md. Harun, aged about 42 years (M), son of Abdul Gafar.
- All are resident of village - Bardaha, Police Station - Narpatganj,
District- Araria.

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Rana, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 24-02-2021 Heard learned counsel for the appellants and
learned Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “S.C./ST
Act”) against the order dated 05.09.2020 passed by the learned
1st Additional Sessions-cum-Special Judge, Araria, in connection
with Narpatganj P.S. Case No.87 of 2017, corresponding to
Special (SC/ST) Case No. 95 of 2017, registered for the offence



under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 332, 333, 353, 427, 452, 379, 224, 225, 337, 338, 504 and 506 of the Indian Penal Code and under Sections 3(1)(r) 3 (ii) (v) of the S.C. /S.T. Act, by which the Court below has rejected the prayer for anticipatory bail of the appellants.

The informant namely, Shambhu Paswan, who is Chaukidar posted in village Pithora within the Narpatganj Police Station, gave a written complaint, alleging therein that when he along with other Police personnel arrested one accused namely, Md. Iliyas with a stolen motorcycle, the appellants and about 200 other persons came there, surrounded them and abused the informant with his caste name. It has also been alleged that they have also assaulted them with *lathi* and also threatened to kill them.

Learned counsel for the appellants submits in connection with same incident, two cases have been lodged, one by the Chaukidar and another by the Inspector of the Police Station. He further submits that there is no specific allegation against the appellants to have actively participated in the commission of crime, inasmuch as, the F.I.R. has been lodged against 200 unknown persons.

Looking to the aforesaid facts, let the appellants,



above named, in the event of their arrest or surrender before the Court below within a period of six weeks from today, be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions -cum- Special Judge, Araria, in connection with Narpatganj P.S. Case no. 87 of 2017, corresponding to Special (SC/ST) Case No. 95 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. This is also subject to further conditions that (i) one of the bailors shall be a close relative of the appellants and (ii) the appellants shall fully cooperate with the investigation/trial of the case, failing which, the Court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order dated 05.09.2020 is set aside. Consequently, this appeal stands allowed.

(Shivaji Pandey, J)

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