

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3372 of 2021**

Arising Out of PS. Case No.-148 Year-2021 Thana- BAUSI District- Purnia

MD. SAFDAR IMAM, Son of Md. Shamsujjoha @ Samujjoha, Resident of
Village - Milik Tola, P.S.- Baisi, Distt.- Purnea.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Bhola Prasad, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-08-2021 Learned counsel for the appellant undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Mrs.
Usha Kumari 1, learned Special P.P. for the State.

Appellant in the present case is seeking to set aside
the order dated 26.07.2021 passed by learned Special Judge,
SC/ST Act, Purnea in connection with Special SC/ST Case No.
84 of 2021 arising out of Baisi P.S. Case No. 148 of 2021
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 324, 307, 354(B), 379, 435, 436, 363, 504, 506
of the Indian Penal Code and Section 3(i)(e)(g)(r)(s)(w) (2)/3(2)
(iii)(iv)(v)(va) of the Scheduled Castes and Scheduled Tribes

Act whereby and whereunder his prayer for regular bail was rejected.

Learned counsel for the appellant submits that this appellant is not named in the First Information Report. As per the First Information Report the named accused as well as 100-150 unknown persons had surrounded the village and had set many of the houses on fire. Altogether 61 persons are named in the F.I.R. but this appellant is not among the 61 persons.

Learned counsel submits that the appellant has been falsely implicated in this case on the basis of alleged confessional statement of co-accused Md. Iliyas who has stated that the appellant was also present. It is his submission that the appellant lives in another village situated at about 14 kilometer away and he is in custody in connection with this case since 25.05.2021. He has got three criminal antecedents but in all the cases, he is on bail.

Mrs. Usha Kumari 1, learned Special P.P. for the State has though opposed the prayer for regular bail of the appellant but at the same time accepts that so far as this appellant is concerned, he is not named in the F.I.R. and there is no specific allegation against him.

Considering the facts and circumstances of the case,

in the nature of the occurrence which has allegedly taken place on account of land dispute between the parties and that the appellant is not named in the F.I.R., this Court sets aside the impugned order and directs release of the appellant above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Purnea in connection with Special SC/ST Case No. 84 of 2021 arising out of Baisi P.S. Case No. 148 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.