

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 3426 of 2021**

Arising Out of PS. Case No.-188 Year-2020 Thana- KHODAWANDPUR District- Begusarai

MD. SHEKH NAGEENA @ SHEIKH NAGINA @ MD. NAGINA S/o MD.
LATE IBRAHIM @ LATE IBRAHIM R/o VILLAGE-SIRSI, WARD No. 08,
P.S-KHODAWANDPUR, DISTRICT- BEGUSARAI

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sandip Kumar Gautam
For the Respondent/s : Ms. Usha Kumari 1, Spl PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 27-10-2021 Heard learned counsel for the appellant and the
learned Special P.P. for the State.

This Court would expect that the appellant's
counsel would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

The appellant has preferred the present appeal
under Section 14(A)(2) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act against the refusal of his
prayer for bail, vide order dated 16.6.2021 passed by the learned
Special Judge, SC/ST (PoA), Begusarai arising out of
Khodwandpur P.S. Case No. 188 of 2020 instituted for the
offence under Sections 147, 149, 323, 307, 354B, 379, 504, 506,



324 and 325 of the Indian Penal Code, and Sections 3(i)(r)(s), (w), 3(2)(va) of the SC/ST (Prevention of Atrocities) act and also for setting aside the aforesaid order dated 16.6.2021.

Against the petitioner there is specific allegation of assault by iron rod upon the head of Anita Devi. The prayer for bail was earlier rejected on 25.3.2021 passed in Cr. Appeal (SJ) No. 463 of 2021. The prayer has been renewed before the Special Judge SC/ST (PoA) Act, and again rejected on 16.6.2021.

Appellant's counsel submits that Annexure 6 is copy of joint petition filed by the parties in the Court below regarding compromise between the parties. He further submits that in view of the said compromise one co-accused Md. Saddam @ Bablu @Md. Saddam Hussain @ Saddam Hussan has already been allowed bail in Cr. Appeal (SJ) No. 885 of 2021. The submission is that in view of the compromise and since custody of the appellant now is more than a year. The prayer may be considered at par with co-accused Md. Saddam @ Bablu @Md. Saddam Hussain @ Saddam Hussan.

Learned Special PP has opposed the prayer for bail. However he is not in a position to oppose the submission regarding grant of bail.



Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, 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 the learned learned Special Judge, SC/ST (PoA), Begusarai in connection with Khodwandpur P.S. Case No. 188 of 2020.

In the result, the appeal is allowed and the impugned order dated 16.6.2021 is set aside.

(Madhuresh Prasad, J)

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