

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.317 of 2021**

Arising Out of PS. Case No.-103 Year-2020 Thana- SIKTI District- Araria

1. Md Ajam @ Md Azam Alam S/O Late Saidul Rahman Village Gadahkat Borantre Ward No. 9 Police Station Sikty District Araria
2. Md. Ishaque @ Ishaque S/O Late Saidul Rahman Village Gadahkat Borantre Ward No. 9 Police Station Sikty District Araria
3. Md. Jabul, S/o Sahrul @ Sehrul Village Gadahkat Borantre Ward No. 9 Police Station Sikty District Araria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anamul Haque- Advocate
For the Respondent/s : Mr. Sadanand Paswan- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-06-2021 Heard Mr. Anamul Haque, the learned Advocate for the appellants and Mr. Sadanand Paswan, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 05.09.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Special (S.C./S.T.) Case No.112 of 2020 arising out of Sikty P. S. Case No.103 of 2020, instituted for the offences under Sections 341, 323, 386, 387, 279, 337, 427, 504, 506, 34 of the Indian Penal Code and Section 3(i)(r)(s)/3(2)(v-a) of the Scheduled Castes & Scheduled Tribes (Prevention of



Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

It has been alleged in the F.I.R. that the informant, who is a Mukhiya was abused by taking his caste name and was also threatened of dire consequences in case he did not pay the protection money.

However, that allegation of demanding protection money on the point of gun is attributed to another accused person, who is in custody. So far as the appellants are concerned, nothing specific has been attributed against them.

It has also been urged on behalf of the appellants that the informant himself is a Mukhiya and a very powerful person of the locality who could not have been intimidated by the appellants.

Apart from this, it has been submitted that the accusation has been levelled against the appellants only because they have supported the stand of the Up-Mukhiya regarding faulty construction of the road by the informant in his capacity as Mukhiya.

Considering the afore-noted submissions, the order dated 05.09.2020, referred to above, is set aside.



The appeal stands allowed.

The appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Special (S.C./S.T.) Case No.112 of 2020 arising out of Sikty P. S. Case No.103 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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