

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.469 of 2021**

Arising Out of PS. Case No.-48 Year-2020 Thana- THAKURGANJ District- Kishanganj

1. MD ISHAQUE S/o Md Hussain R/o village- Shayam Lal Bhitta, P.S.- Thakurganj, District- Kishanganj
2. MD NOORUDDIN S/o Md Hussain R/o village- Shayam Lal Bhitta, P.S.- Thakurganj, District- Kishanganj
3. MD WAKIL @ MD AKIL S/o Md. Ishaque R/o village- Shayam Lal Bhitta, P.S.- Thakurganj, District- Kishanganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Ram Prawesh Kumar, Advocate
For the Respondent/s	:	Mr Sadanand Paswan, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 08-03-2021

Heard learned counsel for the appellants and the learned Special PP for the State.

2 The appellants have preferred the present Appeal under Section 14A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, *SC/ST Act*) against the refusal of their prayer for regular bail vide order dated 12.08.2020 passed by Additional Sessions Judge I -cum- Special Judge, Kishanganj in a case registered under Sections 147, 148, 149, 302, 307, 324, 326 of Indian Penal Code and Sections 3 (2) (v) (1) (s) of SC/ST Act in connection with Thakurganj Police Station (for brevity, *PS*) Case No 48 of 2020.



3 A quarrel between the female members of two families appears to be the background in which the alleged occurrence took place. It is alleged that the co-accused Lal Bahadur, appellants and other persons named in the First Information Report (for brevity, *FIR*) had become violent and they were using abusive language against the informant's husband and other family members. There is specific allegation against co-accused Lal Bahadur of having assaulted the informant's husband with a dagger in his abdomen leading to grievous injuries to which he subsequently succumbed. Appellant No 2 is in custody since 04.05.2020 and Appellants No 1 and 3 are in custody since 26.04.2020. As per statement made in paragraph 3 of the Memo of Appeal, Appellants have no criminal antecedents.

4 Learned counsel appearing on behalf of the appellants submits that there is no specific overt act alleged against the appellants.

5 In my opinion, in view of nature of accusation in the *FIR*, a case for grant of regular bail is made out. The impugned order dated 12.08.2020 requires interference by this Court, which is, accordingly, set aside.

6 Learned Special PP for the State has opposed the prayer for bail.

7 Considering the rival submissions, this appeal is allowed. The impugned order dated 12.08.2020 passed by Additional Sessions Judge I -cum- Special Judge, Kishanganj in connection with Thakurganj PS Case No 48 of 2020 is set aside.

8 Let the appellants above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, Kishanganj in Thakurganj Police Station Case No 48 of 2020 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellants. The bailor will also undertake to inform the Court if there is any change in the address of the appellants.

(2) That the appellants will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.03.2021
Transmission Date	08.03.2021

