

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.87 of 2021

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

1. ABDUL GAFUR S/o Gulat Miya Resident of Village-Nathpur, Police Station-Narpatganj, District-Araria.
2. Bechan Miya S/o Nuru Miya Resident of Village-Nathpur, Police Station-Narpatganj, District-Araria.
3. Md. Israil Miya @ Isril S/o Bechan Miya Resident of Village-Nathpur, Police Station-Narpatganj, District-Araria.
4. Yakub Miya S/o Yasin Miya Resident of Village-Nathpur, Police Station-Narpatganj, District-Araria.
5. Md. Sadrul @ Sadrul S/o Abdul Majid Resident of Village-Nathpur, Police Station-Narpatganj, District-Araria.
6. Sajir Miya @ Sajir S/o Abdul Majid Resident of Village-Nathpur, Police Station-Narpatganj, District-Araria.
7. Samsul Miya S/o Safid Miya Resident of Village-Nathpur, Police Station-Narpatganj, District-Araria.
8. Md. Ajaz @ Md. Aziz S/o Md. Hussain Resident of Village-Nathpur, Police Station-Narpatganj, District-Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Rana
For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 28-10-2021

Heard learned counsel for the appellants.

Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

This appeal has been preferred on behalf of the appellants under Section 14A (2) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 16.09.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Supplementary Special Case No. 95 of 2017, corresponding to Narpatganj P.S.Case No. 87 of 2017, registered for the offences punishable 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 Sections 3(i)(r) 3(ii) (v) of the SC & ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per the allegation, the police arrested co-accused Md. Iliyas along with the stolen motor-cycle. The residents of the locality managed to escape Md. Iliyas from the clutches of the police. The allegations against the appellants are that they were among the 200 persons, who surrounded the informant and the police personnel.

Learned counsel for the appellants has submitted that on similar ground some accused persons have been granted anticipatory bail by a coordinate bench of this Court in Cr. Appeal (SJ) No. 124 of 2019 and Cr. Appeal (SJ) No.1072 of 2018 vide orders dated 26.02.2019 and 29.06.2018, respectively. This Court does not see any reason as to why the similar benefit



should not be given to the present appellants.

Accordingly, the appeal is allowed and the impugned order dated 16.09.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria is set aside.

Let the appellants, above named, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Supplementary Special Case No. 95 of 2017, corresponding to Narpatganj P.S.Case No. 87 of 2017.

Office shall ensure that all defects are removed by the appellants within the stipulated time provided in para 2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

HR/-

U		T	
---	--	---	--

