

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3695 of 2021

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

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1. Dastgir Son Of Md Nazam Resident Of Village- Paschim Tola, Mathurapur,
P.S- Baisi, Dist- Purnea
 2. Md Samrul Son Of Wahid Resident Of Village- Paschim Tola, Mathurapur,
P.S- Baisi, Dist- Purnea

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md Fazle Karim
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the appellants and the State.

The present memo of appeal has been filed on behalf
of the appellants for grant of bail against the order dated
26.07.2021 passed by learned 1st Additional Sessions Judge-
cum-Special Judge (SC/ST Act), Purnea in connection with
Baisi P.S. Case No. 148 of 2021 (Special SC/ST Case No. 84 of
2021) under Sections 147, 148, 149, 341, 323, 307, 354B, 379,
435, 436, 363, 504 and 506 of the Indian Penal Code and
sections 3(i)(r)(s)(e)(g) / (w)(i)/(2) /3(i)(w)(i) /3(2)(iii)(iv)(v)
(va)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, whereby the prayer for bail



of the appellants were rejected.

Prosecution case in brief is that on 19.05.2021 at 18 hours altercation took place between Sukhdeo, Nevalal and Iliyas, Rizwi due to land dispute. The matter was settled by villagers and administration, but later on, in the late night at 11.00 hours the informant saw that 100-150 persons surrounded her village having lathi, danda, petrol and other arms in their hands. They were assaulting the residents of village and abusing them by their caste name and threatened them of dire consequence and they also set the houses on fire.

It is submitted on behalf of the appellants that no such occurrence has taken place. The appellants are residents of another village situated at about 6.00 kms from the place of occurrence and they have got no concern with the alleged occurrence. Prior to the present FIR, two other FIRs have been lodged in which the appellants were not named. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. Similarly situated co-appellant have been granted bail by this court vide Cr. APP (SJ) No. 3372 of 2021. Appellants have got clean antecedent and they are in custody since 25.05.2021.

Considering the aforesaid facts, this appeal is allowed.



The impugned order dated 26.07.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Purnea is set aside.

Let the appellants above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Purnea in connection with Baisi P.S. Case No. 148 of 2021 (Special SC/ST Case No. 84 of 2021), subject to following conditions:-

(i) The appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the appellants tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellants.

(Prabhat Kumar Singh, J)

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