

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.213 of 2021

Arising Out of PS. Case No.-246 Year-2020 Thana- UJIYARPUR District- Samastipur

1. Md. Parwej Alam @ Sanjar @ Md. Sanjar @ Md. Pravej, aged about 36 years, Male, Son of Md. Izhaar, resident of Village-Lakhanipur, Maheshpatti, P.S.- Ujiyarpur, Distt.- Samastipur.
2. Shaub @ Md. Soiyeb Alam @ Md. Ujaale, aged about 32 years, Male, Son of Md. Izhaar, resident of Village-Lakhanipur, Maheshpatti, P.S.- Ujiyarpur, Distt.- Samastipur.
3. Md. Shahrukh Ali @ Md. Shahrukh @ Shahrukh Ali @ Md. Sharukh, aged about 22 years, Male, Son of Md. Sanjar, resident of Village-Lakhanipur, Maheshpatti, P.S.- Ujiyarpur, Distt.- Samastipur.
4. Md. Ramiz Reza @ Md. Ramij @ Rameez Raza, aged about 23 years, Male, Son of Md. Manjar, resident of Village-Lakhanipur, Maheshpatti, P.S.- Ujiyarpur, Distt.- Samastipur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr. Nafisuzzoha, Advocate.
For the Respondent	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-03-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellants in connection with Ujiarpur P.S. Case No. 246/2020, registered for the offences under Sections 147, 149, 323, 379, 504, 506 of the I.P.C. and 3(1)(r)(s) of the SC/ST (P.O.A.) Act.



The prosecution case, in short, is that on 16.08.2020 at about 6.30 P.M., the informant was going towards the High School Chowk, Belari, through the road. When he reached near the house of Dinesh Mishra (Khartuha), in the meantime, a four wheeler vehicle bearing Registration No. WB-02U-6661 was coming from the north side, put mud from the wheel of the vehicle on the clothes of the informant then he asked to the driver of the vehicle to stop it but he did not do so. On hulla, the villagers stopped the vehicle near the house of Ganour Paswan on which Md. Sanjar (appellant no. 1), Md. Ujjale (appellant no. 2), Md. Shahrukh (appellant no. 3), co-accused Md. Salman and Md. Ramiz (appellant no. 4) accepted their guilt and also told that they are his villagers. Thereafter they went away from the said vehicle. Again after ½ hours, the aforesaid persons came from the aforesaid vehicle and other 15 persons came on the Motorcycle near the house of Ganour Paswan and started abusing by calling his caste name. On hulla, the informant went there. After that the aforesaid persons abused and assaulted him and Md. Sanjar (appellant no. 1) and Md. Ujjale (appellant no. 2) forcibly took the gold chain from his neck and also took Bracelet from his hand worth Rs. 4,50,000/-. The persons who came to rescue him, have been assaulted by them and also



threatened to kill him if the legal remedy will be taken.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the appellants. General and omnibus allegation has been made against them. No deadly weapon is said to have been used in course of occurrence. The alleged occurrence is said to have taken place for a petty reason. There is case and counter case between the parties. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case. It is further submitted by learned counsel for the appellants that the matter has been compromised between the parties and a petition to that effect has been filed in the learned court below.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 22.09.2020, passed in A.B.A. No. 1640/2020, arising out of Ujiyarpur P.S. Case No. 246/2020 by learned Ist A.D.J., Samastipur, is set aside. The criminal appeal is allowed.

Accordingly, the appellants above named, in the event



of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) Only each with two sureties of the like amount each to the satisfaction of the learned Ist A.D.J., Samastipur, in connection Ujiarpur P.S. Case No. 246/2020.

(Sudhir Singh, J)

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