

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.320 of 2021

Arising Out of PS. Case No.-188 Year-2020 Thana- KHODAWANDPUR District- Begusarai

MD. MATIN Son of Md. Sadrul @ Sadrul Resident of Village- Sirsi, Ward
No.08, P.S.- Khodawandpur, Distt- Gegusarai

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Sandip Kumar Gautam, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-03-2021 Learned counsel for the appellant undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

The appellant in the present case is seeking to set
aside the order dated 21.10.2020 passed by learned Special
Judge SC/ST, (Prevention of Atrocities Act), Begusarai in
connection with Khodwandpur P.S. Case No. 188 of 2020
registered for the offences punishable under Sections 147, 148,
323, 307, 354(B), 379, 504, 506, 324 and 325 of the Indian
Penal Code and Sections 3 (i) (r) (s), (w), 3 (2) (v) (va) of the
SC/ST (Tribe Prevention of Atrocities) Act.

Learned counsel for the appellant submits that as per



the prosecution story the appellant and other co-accused came at the house of the informant and started abusing the informant. The informant and others were hit by the other co-accused and they sustained injury. Allegation against this appellant is that he had tried to disrobe Heera Devi by pulling her petticoat.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case due to old land dispute. Learned counsel submits that there is no specific allegation of assault against this appellant. Learned counsel submits that appellant has got no criminal antecedent and he is in custody since 16.09.2020.

Mr. Binay Krishna, Spl. P.P. for the State is present and has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the appellant that the appellant has been falsely implicated in this case on account of an old land dispute, there is no specific allegation of causing assault against this appellant and the allegation that he had pulled the petticoat of the informant is only a concocted story without there being any substance in that, there is also a counter case as contained in Annexure '2' to the present application, the appellant has no criminal antecedent



and has remained in jail in connection with the present case since 16.09.2020, investigation against him is complete and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with evidence or interfering with the course of trial, the impugned order is hereby set aside.

Let the appellant be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST, (Prevention of Atrocities Act), Begusarai in connection with Khodwandpur P.S. Case No. 188 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or



tamper with the evidence.

And further condition that the court below shall verify the criminal antecedents of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

