

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.566 of 2021**

Arising Out of PS. Case No.-215 Year-2020 Thana- DARAUNDA District- Siwan

1. MEHRUN @ MAHRUN KHATOON Wife of Kalamuddin Resident of Village - Bagaura, P.S.- Daraunda, District - Siwan.
2. Julum Mian Son of Moharam Mian Resident of Village - Bagaura, P.S.- Daraunda, District - Siwan.
4. Md. Sufiya @ Sufiyan Mian Son of Julum Mian Resident of Village - Bagaura, P.S.- Daraunda, District - Siwan.
5. Md. Talif @ Talif Miyan Son of Jalalu @ Jalalu Mian Resident of Village - Bagaura, P.S.- Daraunda, District - Siwan.
6. Aasif @ Aasif Ali Son of Tahid Mian Resident of Village - Bagaura, P.S.- Daraunda, District - Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramadhar Shekhar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 17-03-2021 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

The instant appeal has been preferred against the order dated 3.10.2020 passed by the learned 1st Additional Sessions Judge – cum – Special Judge, Siwan whereby the prayer for anticipatory bail of the appellants in connection with Daraunda P.S. Case No. 215 of 2020 registered under sections 341, 323, 324, 427, 504 and 34 of the Indian Penal Code, and section 3(1)(r)(s) of the SC and ST (Prevention of Atrocities)



Act, was rejected.

It is submitted by learned counsel for the appellants that during pendency of the appeal, the appellant nos. 2, 3, 5 and 6 having been taken into custody. He is withdrawing the appeal so far as appellant nos. 2, 5 and 6 are concerned. The appeal of appellant no. 3 has already been withdrawn vide order dated 09.02.2021.

The present appeal is confined to appellant nos. 1 and 4.

As per allegation in the F.I.R., the nine named accused persons including the appellant nos. 1 and 4 herein are stated to have come variously armed. It is further stated that the accused persons beat up the informant indiscriminately and also threatened and abused them in the name of their caste.

It is submitted by learned counsel for the appellants that the allegations as narrated in the F.I.R. are false and concocted. The correct version has been given in the F.I.R. lodged by appellant no. 1 herein and which has been brought on record as Annexure 2 to the appeal. It is further submitted that the injury report does not support the allegations levelled in the F.I.R.. The appellant nos. 1 and 4 have no criminal antecedents.

The appeal is opposed by learned Spl.P.P. appearing



for the State.

Having heard learned counsel for the parties and taking into consideration the case and counter case between the parties, the nature of injuries together with the appellants not having any criminal antecedents, the Court is inclined to allow the appeal.

The appeal is allowed and the order dated 03.10.2020 passed by learned 1st Additional Sessions Judge – cum – Special Judge, Siwan in A.B.P. No. 1556 of 2020 arising out Daraunda P.S. Case No. 215 of 2020 is set aside. The appellant no. 1 Mehrun @ Mahrn Khatoon and appellant no. 4 Md. Sufiya @ Sufiyan Mian in the event of their arrest or surrender in the Court below within a period of six weeks from today in connection with Daraunda P.S. Case No. 215 of 2020 are directed to be enlarged on bail on each of them furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge – cum – Special Judge, Siwan.

(Partha Sarthy, J)

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