

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3947 of 2021**

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

MD. SHAMSHEER @ MD. SHAMSHEER ALAM Son of Abdul Mannan
Resident of Village - Niyamatpur, P.s.- Baisi, Distt.- Purnea.
... .. Appellant

Versus

The State of Bihar
... .. Respondent

Appearance :

For the Appellant/s : Mr.Bhola Prasad, Advocate
For the Respondent/s : Mr.Binay Krishna, Addl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 07-10-2021 Heard learned counsel for the appellant and Mr. Binay Krishna, learned Additional P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 16.08.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Purnea in Special SC/ST Case No. 84 of 2021 arising out of Baisi P.S. Case No. 148 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379, 435, 436, 363, 504/506 of the Indian Penal Code and Section 3(i)(e)(g)(r)(s)(w)(2)/3(2)(iii)(iv)(v)(va) of SC/ST Act whereby and whereunder the prayer for bail of the appellant was rejected. The petitioner is in custody since 26.05.2021. He has got no criminal antecedent.

As per the prosecution story, on 19.05.2021 an altercation took place between Sukhdeo, Nevalal and Iliyas Rizwi over a land dispute. The matter was settled by the local administration but in the late night 100-150 unknown persons



lashed with lathi, danda, petrol and other arms surrounded the village of the informant and were indulged in assaulting the residents of the village and abusing them by their caste name. It is alleged that the accused persons also set the houses on fire.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that similarly situated co-accused have been granted privilege of bail by a learned Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 3695 of 2021. The appellant is in custody since 26.05.2021 having no criminal antecedent.

Learned Additional P.P. has opposed the prayer for regular bail of the appellant.

Having regard to the uncontroverted submission of learned counsel for the appellant that there are general and omnibus kind of allegations against 100-150 unknown persons who had allegedly surrounded the village of the informant with lathi, danda, petrol and other arms and were indulged in assaulting the residents of the village, further submission that the alleged occurrence is said to have taken place on account of a land dispute and the co-accused Dastgir and Md. Samrul have been granted privilege of bail by a learned Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 3695 of 2021, they were named in the FIR and the case of the appellant stands on similar footing, this Court sets



aside the impugned order and directs release of the appellant above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Purnea in connection with SC/ST Case No. 84 of 2021 arising out of Baisi P.S. Case No. 148 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent 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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.

