

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.521 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- PURUSHOTTAMPUR District- West
Champaran

1. AFROZ ALAM Son of Nasir Alam @ Nasir Ahmad Resident of Majharia, P.S.-Purshottampur, District-West Champaran.
2. Sarhaj Alam @ Saraj Alam Son of Nasir Alam @ Nasir Ahmad Resident of Majharia, P.S.-Purshottampur, District-West Champaran.
3. MD. ASLAM @ ASLAM SON OF AFSAR ALAM @ SK. ABSAR RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN
4. MD. LALU @ ASRAR ALAM SON OF LATE SAHJAN MASTER @ SAHJAHAN RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN
5. MD. SABBIR @ SABIR AHMAD SON OF LATE JAHUR ALAM @ SK. JAHUR RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN
6. BASIR SHEKH @ BASHIR AHMAD SON OF LATE SATTAR SK. RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN
7. SK. ABBAS @ ABBAS AHMAD SON OF SK USMAN @ MD. USMAN RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN
8. SK. MUSTAQUE @ MUSTAQUE AHMAD SON OF SK. USMAN @ MD. USMAN RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN
9. SK. MURSHED @ NURSHED ALAM SON OF MD. FARUQUE @ FARUKH RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN
10. MD. NANHAK @ ASRAF ALAM SON OF SK. AFSAR @ ABSAR SHEIKH RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN
11. ABDUL BARI @ ABDUL BARI SHEKH SON OF LATE MD. BSARAT @ BSARAT SHEKH RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN
12. MD. NAUSHAD @ NAUSHAD ALAM SON OF LATE JAHUR ALAM @ SK. JAHUR VILLAGE MAJHARIYA P.S. PURUSHOTTAMPUR DISTRICT WEST CHAMPARAN
13. MD. ABBAS @ ABBAS ALAM SON OF LATE SK. JAHUR ALAM @ SK. JAHUR RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN
14. NESAR DEWAN SON OF LATE ESHA DEWAN RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN



15. MD. SK. REYAZ ALAM @ REYAZ SHEKH SON OF LATE GUSWAR RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN
16. SK. CHHOTAN SHEKH @ SOHAIL AKHTAR SON OF LATE SK. JAMIL @ JAMIL AHMAD RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN
17. SK. AMJAD @ AMJAD ALI SON OF AFROZ ALAM RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN
18. SK. NEHAL @ MD. NEHAL SON OF SK. ASLAM @ MD. ALAM RESIDENT OF MAJHARIYA, P.S- PURSHOTTAMPUR, DISTRICT- WEST CHAMPARAN

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 14-09-2021 Heard learned counsel for the appellants and the learned A.P.P. for the State.

This appeal is directed against the order dated 21.09.2020 passed by the learned Additional District and Sessions Judge-I-cum-Special Judge (SC/ST), Bettiah, West Champaran, whereby and whereunder the prayer for anticipatory bail made on behalf of the appellants in connection with Purushottampur P.S. Case No. 60 of 2020 registered under Sections 147, 148, 149, 341, 323, 324, 354 of the Indian Penal Code and Section 3(i)(r)/3(ii)(a) of SC/ST (Prevention of Atrocities) Act was rejected.



Learned counsel appearing on behalf of the appellants submits that appellants are innocent and have falsely been implicated in the present case due to ulterior motive. Further submission is that for the same incident in between the two communities, two cases have been lodged between the parties and one case also lodged by the police, as detailed in Annexure-2 and 3.

Having considered the facts and circumstances of the case, let the above named appellants be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional District and Sessions Judge-I-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Purushottampur P.S. Case No. 60 of 2020.

In the result, the appeal is allowed and the impugned order dated 21.09.2020 is set aside

(Arvind Srivastava, J)

shailendra/-

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