

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.174 of 2021**

Arising Out of PS. Case No.-447 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. MD. SHAHID @ PAPPU S/o Md. Nijam R/o village- Shahpur, P.S.- Muffasil (Lakho O.P.), District- Begusarai
 2. Md. Iqbal @ Appu S/o Md. Nijam R/o village- Shahpur, P.S.- Muffasil (Lakho O.P.), District- Begusarai
- Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Shubhesh Pandey,Advocate
For the Respondent/s : Mr.Sadanand Paswan,Spl.P.P.

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

6 07-07-2021 Heard learned counsel for the appellants and Mr. Sadanand Paswan, learned Spl.P.P. for the State.

The appellants in the present case are seeking setting aside of the order dated 15.10.2020 passed by learned court of Special Judge SC/ST (Prevention of Atrocities) Act, Begusarai in connection with Muffasil P.S. Case No. 447 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 354(B), 337, 338, 307, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s)/2(v) of the SC/ST (Prevention of Atrocities) Act whereby and whereunder the prayer for bail of the appellants was rejected.

Learned counsel for the appellants submits that co-accused Md. Allaudin @ Tinku committed indecent act with the



daughter of the informant. When the informant came to know about the alleged occurrence, the informant with 2-3 persons went to the house of Md. Allaudin @ Tinku where they were abused and attacked by bricks and stones. It is alleged that these appellants were involved in throwing stones.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that commission of indecent act is against co-accused Md. Allaudin @ Tinku and not against these appellants. It is further submitted that there is a land dispute between the parties. The appellants are in custody since 05.09.2020 having no criminal antecedent.

Learned Spl.P.P. for the State has opposed the prayer for bail of the appellants.

Having regard to the facts and circumstances of the case wherein learned counsel for the appellants submits that the specific allegation of commission of indecent act is against co-accused Md. Allaudin @ Tinku and not against these two appellants, in course of investigation it has come that these appellants had indulged in throwing stones but the injuries are simple in nature, learned Spl.P.P. for the State states that in the case diary it has come that there is a land dispute between the



appellants' side and the prosecution's side, considering all these aspects and further that the appellants who have otherwise no criminal antecedent have remained in jail in connection with the present case since 05.09.2020, investigation against them is complete but the trial is not likely to take place in near future, this Court sets aside the impugned order and directs release of the appellants above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act, Begusarai in connection with Muffasil P.S. Case No. 447 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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.

The appeal stands allowed.

(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'.

