

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4236 of 2021

Arising Out of PS. Case No.-40 Year-2021 Thana- BAUSI District- Araria

MD. IMTIYAZ @ IMTIYAZ Son of Kafil @ Md. Kafil Resident of Village -
Mahsaily, P.S.- Bausi, District - Araria

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Md. Naushad Uzzoha, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2021 Learned counsel for the appellant undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Mr.
Sadnanand Paswan, learned Spl.P.P. for the State.

The appellant in the present case is seeking setting
aside of the order dated 06.09.2021 passed by learned 1st
Additional Sessions, Araria in connection with Spl. SC/ST Case
No. 50 of 2021 arising out of Araria (Bausi) P.S. Case No. 40 of
2021 registered for the offences punishable under Sections
354(B), 458, 504/34 of the Indian Penal Code and Section 3(i)(r)
(s) of the SC/ST Act whereby and whereunder the prayer for
regular bail of the appellant was rejected.

As per the prosecution story, on 30.03.2021 in the
night two miscreants came on motorcycle, parked it on the road



and tress-passed inside the house of the informant and started abusing the informant with her caste name. It is alleged that the miscreants pointed pistol on her and forcibly tried to tear her saree.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the co-accused Md. Mosaid has been granted bail by learned court below. The appellant is in custody since 06.09.2021 having no criminal antecedent.

Learned Spl.P.P. for the State has opposed the prayer for setting aside of the impugned order and release of the appellant on bail.

Having regard to the facts and circumstances of the case wherein the appellant is named along with co-accused Md. Mosaid as one of the accused who had tress-passed in the premises of the informant and abused her, however, there is no specific allegation that the appellant has committed any overt act with the informant and further that the co-accused Md. Mosaid has been granted bail by learned court below vide order dated 05.06.2021 (Annexure '2') and the appellant has remained in custody in connection with this case since 06.09.2021, 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, Araria in connection with Spl. SC/ST Case No. 50 of 2021 arising out of Araria (Bausi) P.S. Case No. 40 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)

SUSHMA2/-

U		T	
---	--	---	--

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'.

