

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.750 of 2021

Arising Out of PS. Case No.-43 Year-2020 Thana- SURYAGARHA District- Lakhisarai

-
1. MD. GULJAR @ MD. GULNAJ KHAN, S/O LATE MUSHO KHAN R/O VILLAGE-ALINAGAR, ENGLISH, P.S.-SURYAGRHA, DISTRICT-LAKHISARAI.
 2. MD. MONU @ MD. MONU KHAN S/O MURTAZA KHAN R/O VILLAGE-ALINAGAR, ENGLISH, P.S.-SURYAGRHA, DISTRICT-LAKHISARAI.
 3. MD. SADDAM KHAN @ MD. SADDAM HUSSEIN S/O LATE MUSHO KHAN R/O VILLAGE-ALINAGAR, ENGLISH, P.S.-SURYAGRHA, DISTRICT-LAKHISARAI.
 4. MD. DULLA S/O MURTAZA KHAN R/O VILLAGE-ALINAGAR, ENGLISH, P.S.-SURYAGRHA, DISTRICT-LAKHISARAI.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mayank Bilochan
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 30-06-2021 Heard Mr. Mayank Bilochan, learned Advocate

for the appellants and Ms. Usha Kumari, learned Special

Public Prosecutor for the State.



The appellants have challenged the order 19.03.2020, passed by the learned Additional District & Sessions Judge 1st cum Special Judge, Lakhisarai, in A.B.P. No. 236 of 2020, arising out of Suryagarha P. S. Case No. 43 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 147, 341, 323, 379, 354, 504 and 506 of the Indian Penal Code and Section 3(i) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It has been alleged in the F.I.R. that the appellants entered the house of the informant, assaulted him and his associates and also abused him. The JCB machine and other goods in the house were destroyed.

It has been submitted on behalf of the appellants that there is general and omnibus allegations against the appellants.

The accusation with respect to the charge under



the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 appears to have been added for giving a serious look to the case.

The appellants do not have criminal antecedents.

For the afore-stated reasons, the order dated 19.03.2020, passed by the learned Additional District & Sessions Judge 1st cum Special Judge, Lakhisarai, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st cum Special Judge,, Lakhisarai, in connection with Suryagarha P. S.



Case No. 43 of 2020., subject to the conditions as laid
down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

skm/-

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

