

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.4155 of 2021**

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

1. Md. Sakir Alam @ Sakir Son Of Late Shamshul Haque Resident Of Village - Sati Tola Mathurapur, P.S.- Baisi, District - Purnea.
2. Md. Ashad Raza @ Ashad Son Of Late Shamshul Haque Resident Of Village - Sati Tola Mathurapur, P.S.- Baisi, District - Purnea.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Bhola Prasad, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Spl.P.P.

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

2 22-10-2021 Learned counsel for the appellants 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 appellants and Ms. Usha Kumari No. 1, learned Spl.P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 26.07.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Purnea in connection with 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 appellants



was rejected.

Learned counsel for the appellants submits that these appellants are named in the First Information Report among 61 other named accused. As per the First Information Report, the named accused as well as 100-150 unknown accused persons had surrounded the village and had set many of the houses on fire.

Learned counsel submits that the appellants have been falsely implicated in this case. It is submitted that there is no specific allegation against these appellants rather the allegations are general and omnibus in nature. It is also submitted that the co-accused Md. Safdar Imam has already been granted bail by this Court in Cr. Appeal (SJ) No. 3372 of 2021. The appellants are in custody in connection with this case since 26.05.2021.

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

Having regard to the kind of allegations which is general and omnibus and no denial of the fact on behalf of the State that the case of the appellants stand on similar footing with that of the co-accused Md. Safdar Imam who has been granted bail by this Court in Cr. Appeal (SJ) No. 3372 of 2021 (Annexure '2') and further that the appellants in this case have remained in custody since 26.05.2021, investigation against him is complete, 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 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 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.

(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'.

