

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.748 of 2021

Arising Out of PS. Case No.-72 Year-2019 Thana- THAKURGANJ District- Kishanganj

1. Bhoma @ Tajumuddin @ Tajimuddin @ Tajmuddin Son of Late Farmuddin Resident of Village- Jheelbasti, Ward No. 06, P.S.- Thakurganj, District- Kishanganj.
2. Maqueem @ Naqueem Son of Bhoma @ Tajimuddin Resident of Village- Jheelbasti, Ward No. 06, P.S.- Thakurganj, District- Kishanganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Radha Mohan Singh, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-03-2021 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

The instant appeal has been preferred against the order dated 18.9.2020 passed by the learned Additional District and Sessions Judge 1st -cum-Special Judge, Kishanganj whereby the prayer for bail of the appellants in connection with Special Case No. 63 of 2019 arising out of Thakurganj P.S. Case No.72 of 2019 registered under sections 302, 201 and 34 of the Indian Penal Code and section 3(2)(v) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R. it is stated by the informant that when his father reached the gate of the house of



Tajmul on his cycle, he saw that Tajmul, Tazir and 10-15 unknown persons dragged his father from the road in the *angan* of the house of Tajmul and he was subsequently killed.

It is submitted by learned counsel for the appellants that the appellants are not named in the F.I.R. Their names transpired in course of investigation as one amongst the 10 to 15 unknown persons described in F.I.R. It is submitted that the allegations are false and concocted. The case of the appellants stands on a similar footing to that of Md. Ansarul who has been enlarged on bail vide order dated 18.3.2021 passed in Cr. Appeal (SJ) no.849 of 2021. The appellants are in custody since 7.8.2020, chargesheet has been submitted in the case and they have no criminal antecedent.

The appeal is opposed by learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, investigation in the case having concluded and grant of bail to the co-accused, the Court is inclined to allow the appeal. The appeal is allowed and the order dated order dated 18.9.2020 passed by the learned Additional District and Sessions Judge 1st -cum-Special Judge, Kishanganj, is set aside.



The appellants are directed to be enlarged on bail in connection with Special Case No. 63 of 2019 arising out of Thakurganj P.S. Case No.72 of 2019 on each of them furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned learned Additional District and Sessions Judge 1st -cum-Special Judge, Kishanganj,

(Partha Sarthy, J)

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