

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4223 of 2021

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

MD. AYUB @ MD. AYUB ALAM Son of Usman @ Fartalu Resident of
Village - Niyamatpur, Majhwa, Police Station - Baisi, District - Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raj Kumar, Adv.

For the Respondent/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-12-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide 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.84/2021 arising out of Baisi P.S. Case No.148/2021, registered under sections 147, 148, 149, 341, 323, 324, 307, 302, 354, 427, 379, 435, 436, 504, 506 of the IPC and sections 3(i)(e) (g) (r) (s)/ (w) (i)(2)/3(i) (w) (I), 3 /(2) (iii)(iv)(va)/3(2) (v)(va) of the SC/ST Act.

Allegation against 60 named and 100 unknown accused persons including the appellant that they have abused and assaulted the whole villagers and they have assaulted the Mevalal brutally, misbehave with women of the village and



snatched away ornaments.

It is submitted by learned counsel for the appellant that no such occurrence as alleged has ever taken place. Appellant is innocent and has been falsely implicated in the case. It is submitted that the appellant is said to be the member of the mob of who committed the offence but the identification of individual persons in such a mob is doubtful. There is no specific allegation against the appellant rather the allegation is general and omnibus in nature. The appellant is languishing in custody since 11.06.2021.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstance of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST) Act, Purnea, in connection with Special SC/ST Case No.84/2021 arising out of Baisi P.S. Case No.148/2021.

Accordingly, the impugned order is set aside and the appeal is allowed.

devendra/-

(Anjani Kumar Sharan, J)

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