

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.885 of 2021

Arising Out of PS. Case No.-188 Year-2020 Thana- KHODAWANDPUR District- Begusarai

Md. Saddam @ Bablu @ Md. Saddam Hussain @ Saddam Hussan, male,
aged about 28 years, son of Md. Sadrul @ Sadrul Resident of village Sirsi
Ward no. 08 P.S. Khodawandpur, District- Begusarai.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the appellant	:	Mr. Y.C.Verma, Sr. Adv with Mr. Sandip Kumar Gautam, Advocate
For the State	:	Mr. Sadanand Paswan Spl PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 07-07-2021 In view of the sudden resurgence of Covid-19 infection,
there is limited functioning of the High Court and, therefore, the
matter has been listed today for consideration through virtual
mode.

2. Learned counsel for the appellant is expected to
honour his undertaking given in the instant case for depositing
the requisite court fee and to remove the defects, as pointed out
by office, when called upon to do so by the office

3. Heard learned senior counsel for the appellant and
learned Spl PP for the State.

4. The appellant has preferred the present appeal under
Section 14A(2) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Amendment Act, 2015 (for brevity ,
SC/ ST Act) against the refusal of his prayer for regular bail vide
order dated 14.10.2020, passed by learned Spl. Judge SC/ST
Act, Begusarai in a case registered under Sections 147,149,
323,307, 354B, 379, 504,506,324 and 325 of the Indian Penal
Code and Section 3(i) (r) (s),(w), 3(2) (va) of the SC/ST Act,



in connection with Khodwandpur PS Case No. 188 of 2020.

5. For getting the lands vacated, it is alleged by the informant that the appellant along with some others have come to his house. They have all allegedly indiscriminately assaulted the prosecution party. The appellant is alleged to have assaulted on the informant's head by '*Farsha*'.

6. The learned senior counsel for the appellant submits that it was a free fight between the parties over possession of land which culminated in both sides sustaining injury. The appellant has also sustained injury. Normalcy has been resumed between the parties, and as such, a compromise petition, duly signed by the informant of the case, has been filed in the learned Court below; copy of the same has been placed on record as Annexure-4 to the second supplementary affidavit filed by the appellant in the instant proceedings, wherein, the informant has stated that they do not wish to proceed with the prosecution. The appellant is stated to be in custody since 16.09.2020 though he has no criminal antecedents.

7. The learned Spl. PP for the State has opposed the prayer for bail. It is submitted that the allegation of assault by '*Farsha*' on the informant's head has been levelled against the appellant. In respect of the compromise, the learned APP is not in a position to make any submissions.

8. In my opinion, a case for grant of regular bail is made out. The impugned order dated 14.10.2020, passed in connection with Khodwandpur PS Case No. 188 of 2020, requires interference by this Court, which is, accordingly set aside.

9. Considering the rival submissions, this appeal is



allowed. The impugned order dated 14.10.2020, passed by learned Spl. Judge SC/ST Act, Begusarai, in connection with Khodwandpur PS Case No. 188 of 2020, is set aside.

10. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Spl. Judge SC/ST Act, Begusarai, in connection with Khodwandpur PS Case No. 188 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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