

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4328 of 2021

Arising Out of PS. Case No.-29 Year-2021 Thana- CHAUTHAM District- Khagaria

1. MD. AJHAR S/O LATE KUTWAUDDIN R/o village- Neerpur, P.S.- Chautham, District- Khagaria
2. Md. Bali @ Uddwali S/o Md. Insan R/o village- Neerpur, P.S.- Chautham, District- Khagaria
3. Md. Tabrez S/o Md. Daud R/o village- Neerpur, P.S.- Chautham, District- Khagaria
4. Md. Daud S/o Late Raja R/o village- Neerpur, P.S.- Chautham, District- Khagaria
5. Md. Natho S/o Late Sattar R/o village- Neerpur, P.S.- Chautham, District- Khagaria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Y. C. Verma- Sr. Advocate Mr. Amir Alam- Advocate
For the State	:	Mr. Binay Krishna-S.P.P.
For the Informant	:	Mr. Manish Kumar- Advocate Mr. Dheeraj Kumar- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-10-2021 The learned counsel for the appellants is permitted to make necessary correction in the cause title in the name of the appellant no.2.

Heard Mr. Yogesh Chandra Verma, the learned Senior counsel for the appellants, Mr. Manish Kumar, the learned counsel for the informant and Mr. Binay Krishna, the learned Special Public Prosecutor for the State.

This appeal is directed against the order dated



25.08.2021 passed by the learned Additional Sessions Judge-1st, Khagaria in connection with Special ABA (SC/ST) Case No.29 of 2021 arising out of Chautham P. S. Case No.29 of 2021, instituted for the offences under Sections 147, 148, 149, 295, 295(A), 298, 354, 323, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

The learned Senior counsel for the appellants submits that from bare perusal of the allegation in the F.I.R., it would manifest that the informant Usha Devi has alleged that on 12.02.2021 at about 5.00 P.M., when the informant had gone to perform Puja in the temple, the appellants along with eight others came variously armed with lathi, danda, bhala, farsa and pistol surrounded her including the people who were participating in the Aarti-Puja and started abusing and assaulting the informant by fists and Md. Gulshan called by her caste name and used abusive language and threatened to kill her and her husband. Similarly, Md. Asgar, Md. Kudus, Md. Islam used filthy and abusive language and even tried to show disrespect to God.



The learned Senior counsel for the appellants submits that from bare perusal of the F.I.R., it would manifest that the allegation does not even remotely connect the appellants with the offence. The allegations are general and omnibus in nature.

The learned counsel for the informant was not able to rebut the submission made by the learned Senior counsel for the appellants.

The learned S.P.P. for the State fairly submits that as far as these appellants are concerned, against them nothing specific has been alleged in the F.I.R. Apart from the fact that they were also present at the place of occurrence.

Regard being had to the aforesaid submissions, the order dated 25.08.2021 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-1st,



Khagaria in connection with Chautham P. S. Case No.29 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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