

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5697 of 2019

Arising Out of PS. Case No.-17 Year-2018 Thana- SC/ST District- Darbhanga

1. MD. MOJIUR @ MD. MOJIM @ MOJIM Son of Late Md. Mofid @ Late Motid. Resident of Village - Barna, P.S.- Kusheshwar Asthan, Distt.- Darbhanga (Bihar).
2. Md. Hasan Warsi @ Md. Nanhe Son of Md. Izharul Haque @ Izarul Resident of Village - Barna, P.S.- Kusheshwar Asthan, Distt.- Darbhanga (Bihar).

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellants	:	Mr.Vinay Kumar Mishra, Advocate
For the State	:	Mr.Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Manish Kumar No.13, Advocate
		Mr. Rohit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-03-2021 Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel for the informant.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 341, 323, 447, 354, 504, 506/34 of the Indian Penal Code and Sections 3(I)(r), 3(I)(s), 3(I)(g) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused



persons restrained the informant from making house and they abused her by taking caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. Date of occurrence is said to be 06.10.2017 and the case was instituted on 12.02.2018. Delay has not been explained by the prosecution. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State and learned counsel for the informant, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 26.09.2019, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, (Prevention of Atrocity Act), Darbhanga vide A.B.P. No.1571 of 2019 in connection with Darbhanga (SC/ST) P.S. case No.17 of 2018, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest/surrender before the learned court below within a



period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, (Prevention of Atrocity Act), Darbhanga in connection with Darbhanga (SC/ST) P.S. case No.17 of 2018.

(Sudhir Singh, J)

Narendra/-

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