

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.912 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- CHAUTHAM District- Khagaria

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1. MD. SARFARAJ ALAM @SARPHARAJ AHMAD @ MD. SARPHARAJ AHMAD Son of Md. Samsul Hoda @ Samo, Resident of Village - Bari Telaunchh, Ward No.15, P.S.- Chautham, Distt.- Khagaria.
 2. Md. Talib @ Abu Talive @ Abu Talive Babu Son of Md. Samsul Hoda @ Samo, Resident of Village - Bari Telaunchh, Ward No.15, P.S.- Chautham, Distt.- Khagaria.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Bablu Kr. Pankaj Son of Chandra Deo Rajak, R/o vill.-Taunchh, Ward no-15, P.S.- Chautam Dist- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 11-10-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the appellants as well as the learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 22.01.2022, passed by the learned 1st Additional Session Judge, Khagaria in connection with



Chautham P.S. Case No. 221 of 2021, registered for offence punishable under sections 147, 148, 149, 323, 379, 504, 506 120B of the Indian Penal Code and 27 of the Arms Act and section 3 (i) (r) (s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

At the outset, the learned counsel for the appellants has submitted that this appeal with respect to appellant no. 3 was dismissed as withdrawn, vide order dated 25.07.2022.

The informant Bablu Kumar Pankaj made allegation that he was an agent of Panchayat Mukhiya. He was passing beside the house of the accused persons. The named accused persons, including the appellants along with 3-4 other persons abused the informant by calling his caste name and they also opened fire. The family members of the informant came and he was brought to the police station.

The learned counsel for the appellants has submitted that there is previous land dispute between the parties. The father of the appellants has also lodged case against the members of the prosecution side. There is no injury at all on the person of the informant.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order



dated 22.01.2022 is set aside.

Accordingly, **appellant nos. 1 and 2**, in the event of arrest or surrender before the court below within four weeks from today, **are directed to be released on anticipatory bail** on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned 1st Additional Session Judge, Khagaria in connection with Chautham P.S. Case No. 221 of 2021.

Office shall ensure that all defects are removed by the appellants within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Mahesh

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