

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1008 of 2022

Arising Out of PS. Case No.-40 Year-2019 Thana- SC/ST District- Darbhanga

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1. HABIBA KHATOON @ HABIBI KHATOON Wife of Ali Imam Khan Resident of village - Morvara, P.S.- Biraul, District - Darbhanga
 2. Ali Imam Khan Son of Md. Suleman Resident of village - Morvara, P.S.- Biraul, District - Darbhanga
 3. Rizwan Ahmad Khan @ Md. Rizwan Son of Md. Mannan Resident of village - Morvara, P.S.- Biraul, District - Darbhanga
 4. Sajid Imam Khan Son of Ali Imam Khan Resident of village - Morvara, P.S.- Biraul, District - Darbhanga
 5. Md. Imran Khan @ Imran Khan Son of Md. Mannan Resident of village - Morvara, P.S.- Biraul, District - Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Baidyanath Ram Son of Ramchandra Ram Resident of village - Koyla Sthan, P.S.- Keoti, District - Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Subhash Kumar Mishra
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-07-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 2.2.2021 passed by learned 1st Additional Sessions Judge-cum- Special Judge (POA Act) Darbhanga in ABP No.44/2021 whereby the prayer for bail of the appellant in connection with Darbhanga S.C./S.T. P.S. Case no. 40 of 2019 under Section 341, 323, 504, 506/34 & 34 of the Indian Penal



Code and sections 3(1) (r), 3(1) (s) of SC/ST Act was rejected.

Allegation against the appellants is of abusing by taking the caste name of the informant. It is further alleged that all the accused persons pull down the informant on the ground and started to assault. Sajid Imam assaulted with Dabiya. Imran Master caught hold his hair and ordered to discharge urinal in his mouth then Imran Khan discharged urine in the mouth of the informant. Wife of co-accused Ali Imam painted his face in black colour.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to land dispute and with a view to grab the land of the appellants, FIR was got registered through his servant by making a fabricated and concocted story. They have not taken the cast name of the informant in public view. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellant has no intention to disgrace the image of the informant in public view.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus



allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 2.2.2021 passed in A.B.P. No 44/2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Darbhanga S.C./S.T. P.S. Case no. 40/2019 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum- Special Judge (POA Act) Darbhanga.

(Sunil Kumar Panwar, J)

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