

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2388 of 2022

Arising Out of PS. Case No.-404 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

MD. IMTEYAZ, Son of Md. Salam Ansari, Resident of Village - Atardah,
P.S.- Sadar, District - Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Bindeshwar Ram Son of Late Nathuni Ram Village-Manjhauri Dharm
Das, Ward no-08, P.S-Muzaffarpur Sadar, District-Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Upendra Kumar, Advocate Mrs. Kumari Sujata, Advocate
For the Informant	:	Mr. Manoj Kumar Manoj, Advocate Mr. Surya Narain Yadav, Advocate
For the State	:	Mr. Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 01-12-2022

Heard learned counsel for the appellant and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail vide
order dated 04.06.2022 passed by the learned Additional
Sessions Judge-I-cum-Special Judge SC/ST Act, Muzaffarpur
(Arising out of Sadar P.S. Case No. 404 of 2020) registered for

the alleged offences under Sections 147, 148, 149, 341, 324, 326, 307 and 302 of the Indian Penal Code and Sections 3(i) (v) (s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, appellant and other co-accused persons assaulted the informant and his family members causing a number of injuries to them. The assailants were armed with sword, big knife and other arms. In this assault, the son of the informant died.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The allegation against the appellant is only that he also came at the place of occurrence but no specific over act of assault has been attributed to him. It is clear from the F.I.R. that the informant has named 11 persons as accused who participated in assault and regarding this appellant, he has stated that he also came at the place of occurrence. The specific allegation of giving knife blow to the deceased is against co-accused Jahangir. Charge sheet has been submitted in this case and the appellant is in custody since 13.05.2022. The appellant has got clean antecedent.

Learned Special Public Prosecutor for the State as

well as learned counsel for the informant vehemently oppose the submission made on behalf of the appellant. Learned counsel for the appellant submits that due to assault by the appellant and others, son of the informant died and a number of persons received injuries.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that there is no specific allegation of any overt act against this appellant and also considering the period of custody of the appellant along with submission of charge sheet against him, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge SC/ST Act, Muzaffarpur in connection with Sadar P.S. Case No. 404 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the

court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

Accordingly, the impugned order is set aside and the appeal stands allowed.

(Arun Kumar Jha, J)

Gautam/daya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.12.2022
Transmission Date	03.12.2022