

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4203 of 2021

Arising Out of PS. Case No.-165 Year-2020 Thana- JALALGARH District- Purnia

1. MD. TASLIM Son of Md. Mohid Resident of Village - Ekamba Bhand Tola, P.S. - Jalalgarh, District - Purnea.
2. Md. Rafik @ Fafi Bhand Son of Late - Ramjani Bhand Resident of Village - Ekamba Bhand Tola, P.S. - Jalalgarh, District - Purnea.
3. Md. Alam @ Tubba Son of Md. Kabir Resident of Village - Ekamba Bhand Tola, P.S. - Jalalgarh, District - Purnea.
4. Manover @ Munna Son of Md. Tahir Resident of Village - Ekamba Bhand Tola, P.S. - Jalalgarh, District - Purnea.
5. Sheikh Shaukat @ Shaukat Bhand @ Md. Shaukat Alam Son of Md. Tahir Resident of Village - Ekamba Bhand Tola, P.S. - Jalalgarh, District - Purnea.
6. Mustak Alam @ Pappu @ Pappu Bhand Son of Taiyab Nadaf Resident of Village - Ekamba Bhand Tola, P.S. - Jalalgarh, District - Purnea.
7. Fakruddin Son of Jahiruddin Resident of Village - Ekamba Bhand Tola, P.S. - Jalalgarh, District - Purnea.
9. Md. Wahid Son of Salamul Resident of Village - Ekamba Bhand Tola, P.S. - Jalalgarh, District - Purnea.
10. Md. Salamat Miyan @ Salamul @ Salamul Miyan Son of Late - Ghethu Miyan Resident of Village - Ekamba Bhand Tola, P.S. - Jalalgarh, District - Purnea.
11. Bibi Raniya @ Bibi Raniya Khatoon Wife of Salamul Miyan Resident of Village - Ekamba Bhand Tola, P.S. - Jalalgarh, District - Purnea.
12. Md. Manjur Bhand Son of Ledhan Bhand Resident of Village - Ekamba Bhand Tola, P.S. - Jalalgarh, District - Purnea.
13. Firoz @ Firoz Bhand @ Md. Firoz Alam Son of Md. Saddik Resident of Village - Ekamba Bhand Tola, P.S. - Jalalgarh, District - Purnea.
14. Lagana @ Md. Lagan Bhat Son of Atu Bhat Resident of Village - Ekamba Bhand Tola, P.S. - Jalalgarh, District - Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Kumar Anand
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 30-06-2022

It is submitted by learned counsel for the appellants



that during pendency of this application, the appellant nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 14 have been arrested and, as such, he seeks permission to withdraw this application against them.

Permission is accorded.

This application is dismissed as withdrawn against appellant nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 14.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants nos. 1, 2 and 12 against the order dated 04.09.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Purnea in ABP No. 65 of 2021/CIS No. 65 of 2021 whereby the prayer for bail of the appellant in connection with Jalalgarh P.S. Case no. 165 of 2020 under Section 147, 149, 341, 323, 307, 379, 504 and 506/34 of the Indian Penal Code and sections 3(1)(r)(w) of SC/ST Act was rejected.

As per allegation in the FIR, several accused persons including the appellants have destroyed the crops of the informant's land and they construct a hutment on the said land. When the informant protested them not to do so, then all accused persons brutally assaulted him.

It is submitted by learned counsel for the appellants



that appellants have been falsely implicated in this case. There is admitted land dispute between them. All injuries received by the informant are simple in nature except one which is on non-vital organ. 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 4.9.2021 passed in A.B.P. No. 65 of 2021 is hereby set aside.

The appellant nos. 1, 2 and 12 are directed to be enlarged on bail in connection with Jalalgarh P.S. Case No. 165 of 2020 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 SC/ST Act, Purnea.

(Sunil Kumar Panwar, J)

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