

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.840 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- SIKARPUR District- West Champaran

1. KAMRAN ALAM @ KAMRAN Son of Lallu Mian Resident of Village- Diuliya, P.S.- Shikarpur, District- West Champaran.
2. Arbaj Son of Mushtak Ahmad @ Mushtak Mian Resident of Village- Diuliya, P.S.- Shikarpur, District- West Champaran.
3. Altaf Son of Mushtak Ahmad @ Mushtak Mian Resident of Village- Diuliya, P.S.- Shikarpur, District- West Champaran.
4. Arshad @ Raja Son of Late Sk. Aftab Resident of Village- Diuliya, P.S.- Shikarpur, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Mohan Kumar Paswan son of Madan Paswan resident of village- Harsari, ward no. - 12, P.S.- Shikarpur, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Adv.
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

- 5 28-03-2023 Learned counsel for the appellants seeks permission to withdraw the appeal against the appellant nos. 2 and 3, namely, Arbaj and Altaf.

Permission is accorded.

Accordingly, the appeal against the appellant nos. 2 and 3, namely, Arbaj and Altaf is dismissed as withdrawn.

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

This appeal has been preferred against the order dated



04.01.2022 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in A.B.P. No. 2474 of 2021 arising out of Shikarpur P.S. Case No. 259 of 2021 registered under Sections 341, 323, 385, 379 and 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by which the prayer for anticipatory bail of the appellants has been rejected.

Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case due to dirty village politics. It is further submitted that both the parties have compromised the present case, as contained in Annexure-2 to the bail petition. Appellants have got no criminal antecedent.

Considering the aforesaid facts, let the appellants, namely, Kamran Alam @ Kamran and Arshad @ Raja, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be released on bail on furnishing personal bonds each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 259 of 2021, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Arvind Srivastava, J)

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