

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2073 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- DAGARUA District- Purnia

MD AKHTAR @ AKHTAR HUSSAIN @ AKHTAR SON OF MD. SARAJ
R/O-FULPUR WARD NO. 4, P.S.-DAGARWA, DISTT.-PURNEA

... .. Appellant/s

Versus

1. The State of Bihar
2. ARTI DEVI WIFE OF PRAMOD RAI R/O-FULPUR, CHAKDAH, WARD NO. 5, P.S.-DAGARWA, DISTT.-PURNEA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajit Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-09-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 03.04.2023 passed by learned Special Judge, SC/ST, Purnia, whereby the prayer for bail of the appellant in connection with Dagarua P.S. Case No. 73 of 2023 under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)(w), 3(2)(va) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of assaulting the informant by means of fists and slaps, *Lathi, Danda* and outrage the modesty to the informant. It is



further alleged that the accused persons started threatening to kill the informant and her husband.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Both sides with the intervention of well wishers and common friends have compromise the case and they do not want to proceed further in the case, which is annexed as annexure-2 with this petition. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 14.03.2023.

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

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 03.04.2023 arising out of Dagarua P.S. Case No. 73 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Dagarua P.S. Case No. 73 of 2023 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 Court of the Special Judge (SC/ST Act), Purnia.

(Sunil Kumar Panwar, J)

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