

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2589 of 2023**

Arising Out of PS. Case No.-162 Year-2022 Thana- NARPATGANJ District- Araria

MD. PARWEZ @ FULO Son of Late Jalil Resident of village - Suwaldah  
Majhuwa Rewahi, P.S. - Narpatganj, Distt. - Araria

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Geeta Devi Wife of Suresh Ram Resident of village - Rewahi ward no. 08,  
P.S. - Narpatganj, Distt. - Araria

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                      |
|----------------------|---|--------------------------------------------------------------------------------------|
| For the Appellant/s  | : | Mr. Ajay Kumar Thakur, Adv.<br>Mrs. Vaishnavi Singh, Adv.<br>Mr. Ritwik Thakur, Adv. |
| For the Respondent/s | : | Mr. Binay Krishna                                                                    |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

2      07-07-2023                      Heard learned counsel for the appellant and learned  
counsel for the respondent No.2 and also learned Special P.P. for  
the State.

This appeal under Section 14A(2) of the Scheduled  
Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989  
has been directed against the order dated 28.04.2023 passed by  
learned 1<sup>st</sup> Additional Sessions Judge -cum- Special Judge SC/ST,  
Araraia in connection with Narpatganj P.S. Case No. 162 of 2022  
registered under Sections 147, 149, 341, 323, 354, 504 and 506  
of the Indian Penal Code and Section 3(i)(r)(s), 3(2) (va) of SC/ST  
(POA) Act has been added, whereby the prayer for bail of the  
appellant has been rejected.



The appellant along with others alleged to have abused the informant and her husband and they have outraged the modesty of her and when her husband came to rescue her, they have assaulted him with iron rod indiscriminately. The petitioner is alleged to have assaulted the husband of the informant by means of sword causing him injury.

Learned counsel appearing for the appellant submits that the appellant, who is of clean antecedent, has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated as the appellant has not committed any offence. He further submits that from bare perusal of the F.I.R., it appears that there is land dispute between the parties and on account of that the appellant has been made accused in this case. He further submits that though there is allegation against the appellant of inflicting sword blow to the husband of the informant but the same is not supported by the medical evidence as the injury report suggest that no external injury is found on the persons of the injured by the doctor. He further submits that the police after investigation has submitted charge-sheet in this case against the appellant. He further submits that the accusation also does not constitute any offence attracting complicity of SC/ST Act against the appellant. The appellant is rotting in judicial custody since 29.04.2023.

Learned counsel appearing for the respondent No.2



and learned Special P.P. for the State vehemently opposed the prayer for bail of the appellant and submits that the though no injury is opined by the doctor but the appellant has assaulted the informant and her husband and tried to outrage the modesty of the informant.

Considering the facts and circumstances of the case, let the above named appellants be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge -cum-Special Judge, SC/ST Act, Araria in connection with Narpatganj P.S. Case No. 162 of 2022 subject to the following conditions;

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

**(Rajesh Kumar Verma, J)**

brajesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

