

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2943 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- BALRAMPUR District- Katihar

Md. Noied Akhtar @ Noied Akhtar Son Of Jahiruddin @ Mohammad
Jahiruddin Village- Lachhaur Po- Telta Ps- Balrampur Dist- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Mery Marandi wife of Md. Noied Akhtar, D/o- Nicholas Marandi Village-
lachhaur Po- Telta Ps- Balrampur Dist- katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Avinash Chandra
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-11-2023 Heard learned counsel for the appellant, informant
and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 06.06.2023 passed by learned A.D.J.-I-cum-Special Judge (SC/ST Act), Katihar, whereby the prayer for bail of the appellant in connection with Balrampur P.S. Case No. 71 of 2023 under Section 498A of the Indian Penal Code and Sections 3(i)(r)/ 3(i)(s) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of assaulting and abusing the informant by her caste name due to non-fulfillment of money demand.

4. It is submitted by learned counsel for the appellant



that appellant has been falsely implicated in this case. He submitted that the appellant is the husband of the victim and their marriage was solemnized in the year 2009 and one child was born out of their wedlock. The victim lives separately from this appellant since 2016. He further submitted that the main reason to filing this FIR is demand of this appellant to live together but the victim wants to live separately and the victim is having ego problem because she is teaching in a college and this appellant is a primary school teacher. Appellant 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 24.05.2023.

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

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 06.06.2023 arising out of Balrampur P.S. Case No. 71 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in



connection with Balrampur P.S. Case No. 71 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 Additional Sessions Judge-I-cum-Special Judge
(SC/ST Act), Katihar.

(Sunil Kumar Panwar, J)

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