

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3375 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- MORKAHI District- Khagaria

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1. MD. MAJHAR ALI @ MD. MAJHAR ALAM @ MAZHAR ALI SON OF LATE MD. ANISH @ LATE ANISH UDDIN RESIDENT OF VILLAGE- MARAR SOUTH, WARD NO. 12, PS- MORKAHI, DISTT- KHAGARIA
 2. MD. SHADAB SON OF MD. MAJHAR ALI @ MD. MAJHAR ALAM @ MAZHAR ALI RESIDENT OF VILLAGE- MARAR SOUTH, WARD NO. 12, PS- MORKAHI, DISTT- KHAGARIA
 3. MD. MAHTAB ALAM @ MD. MAHATAB ALAM SON OF MD. MAJHAR ALI @ MD. MAJHAR ALAM @ MAZHAR ALI RESIDENT OF VILLAGE- MARAR SOUTH, WARD NO. 12, PS- MORKAHI, DISTT- KHAGARIA

... .. Appellant/s

Versus

1. The State of Bihar
2. KAILASH PASWAN SON OF LATE ASHARFI PASWAN RESIDENT OF VILLAGE- MATHRAPUR, PS- KHAGARIA, DISTT- KHAGARIA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr.Pawan Kumar, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.PP. Mr. Rajesh Kumar, Adv. Mr. Priyanshu Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2023 Heard learned counsels for the parties.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 12.07.2023 passed by learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST Act), Khagaria in



connection with Morkahi P.S. Case No. 57 of 2023 registered under Sections 341, 504, 506, 353/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation against the appellants is that in spite of co-operate in the alleged enquiry, they abused the informant and other committee members and created hindrance.

4. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. Appellants are husband and sons of the *Mukhiya* of the said village, respectively. They have been falsely implicated in the case due to dirty village politics. There is general and omnibus allegation of abusing the informant. Appellants have criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail and fairly submitted that there is general and omnibus allegation of abusing the informant against the appellants.

6. In the facts and circumstances of the case, as from the perusal of FIR, it is evident that there is no specific overt act against the appellants, the above named appellants, in the event



of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST Act), Khagaria in connection with Morkahi P.S. Case No. 57 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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