

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.977 of 2023

Arising Out of PS. Case No.-558 Year-2022 Thana- BAHERA District- Darbhanga

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1. MD. RIZBI SON OF LATE MD. SAFIQUE R/O VILL. AND P.S.- BAHERA, DISTT.- DARBHANGA
 2. Sahi Praveen @ Sahina Praveen D/o Md. Rizbi R/O VILL. AND P.S.- BAHERA, DISTT.- DARBHANGA
 3. Naseema @ Baby Wife of Md. Perwaj @ Sabnam @ Perwaj Alam @ Perwej Alam R/O VILL. AND P.S.- BAHERA, DISTT.- DARBHANGA

... .. Appellant/s

Versus

1. The State of Bihar
2. RAM BALAK PASWAN SON OF LATE PARMESHWAR PASWAN R/O VILL.- MAHDAI, P.S.- BAHERA, DISTT.- DARBHANGA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nilendu Kumar Choudhary
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 11-07-2024 The bail appeal of appellant Md. Perwaj @ Sabnam and Md. Danish @ Md. Danish Rizwi has already been withdrawn vide order dated 04.04.2023 .

2. Heard learned counsel for the appellants and respondents and State .

3 . This appeal has been filed for setting aside order dated 05.01.2023 , passed in a case registered for the offence punishable under sections 341, 323, 307, 504 and 34 of the Indian Penal Code and sections 3(i)(r)/3(i)(s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

4. As per the prosecution case, on the alleged date and time of occurrence ,when informant had gone to the house of the appellants to give milk and thereafter demanded due amount of Rs. 2100/-, on which all the accused persons including these appellants abused him by caste name and all the male members of the family assaulted him due to which he sustained injury .

5 . It is submitted on behalf of the appellants that appellant is quite innocent and have committed no offence at all. Informant has filed this case at the instance of one Zafar Imam who is the director of Dental College and the informant was the employee of the same college . The present case is counter blast of Bahera P S Case No. 315 of of 2022. Allegation of assault is general and omnibus against these appellants. Injuries sustained by the informant are simple in nature. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out.

6. Counsel for the Special P P opposed the prayer for bail and submitted that there is specific allegation of assault is against the appellant No. 1 and he has got five criminal



antecedents.

7. Considering the fact that appellant No. 1 has got five criminal antecedents, his prayer for pre-arrest bail is hereby rejected.

8. Considering the nature of injuries and general and omnibus allegation of assault against appellant No. 2 (Sahi Praveen @ Sahina Praveen) and appellant No. 3 (Naseema @ Baby), this appeal is allowed and the impugned order is set aside. Let the appellant Nos. 2 and 3 named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 3rd Additional Sessions Judge cum - Exclusive Special Judge, SC/ST, Darbhanga in connection with Bahera Police Station Case No. 558 of 2022.

(Prabhat Kumar Singh, J)

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