

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1000 of 2024

Arising Out of PS. Case No.-37 Year-2023 Thana- SC/ST District- Araria

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1. Md. Aatir Son Of Md. Saghiruddin @ Saghiruddin Resident Of Village - Purandaha, P.S. - Simraha (FORBESGANJ), District - Araria
 2. Md. Aabir Son Of Md. Saghiruddin @ Saghiruddin Resident Of Village - Purandaha, P.S. - Simraha (FORBESGANJ), District - Araria
 3. Zeeshan Alam @ Kaila @ Md. Zeeshan Alam Son Of Sarwar @ Md. Sarwar Alam Resident Of Village - Purandaha, P.S. - Simraha (FORBESGANJ), District - Araria
 4. Md. Aftab Alam @ Aftab Son Of Md. Mahboob Resident Of Village - Purandaha, P.S. - Simraha (FORBESGANJ), District - Araria
 5. Nazzo @ Nadim Son Of Habib Resident Of Village - Purandaha, P.S. - Simraha (FORBESGANJ), District - Araria
 6. Saghiruddin @ Md. Saghiruddin Son Of Maksud Ali Resident Of Village - Purandaha, P.S. - Simraha (FORBESGANJ), District - Araria
 7. Md. Quddus @ Quddus Son Of Zabbar Resident Of Village - Gurhmi, P.O. - Khawaspur, P.S. - Simraha (FORBESGANJ), District - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilip Rishidev Son Of Domi Rishidev Resident Of Village - Gurhmi, P.O. - Khawaspur, P.S. - Simraha, District - Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Baleshwar Kamat
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 10-04-2024 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Ms. Usha Kumari along with learned counsel for the informant.
2. The learned counsel for the appellants, at the outset, seeks permission to withdraw the present appeal with respect to appellant No. 1, Md. Aatir.



3. Permission is accorded.

4. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 9-1-2024, in A.B.P. No. 3063 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Araria S.C/S.T P.S. Case No. 37 of 2023, registered for the offences punishable under Sections 147, 149, 323, 504, 506 of the Indian Penal Code as well as Sections 3(i) (r), 3(i)(s) of the SC/ST Act.

5. The learned counsel for the appellants submits that appellant Nos. 2, 3, 4, 5 and 7 have antecedent of 4 cases and appellant No. 6 has antecedent of 5 cases, but in all the cases, the appellants on surrender before the learned trial court were granted bail on the same day. It is also submitted that the cases have been instituted on account of dispute which has arisen with respect to 3 acres of land in the village, for which a title suit is going on, in between Hakimuddin and the appellants herein. It is next submitted that the present case is also an offshoot of the said litigation. It is next submitted that even presuming what has been alleged is true without admitting then specific allegation of



assaulting the injured is against Md. Aatir (appellant No. 1), as far as the rest of the appellants are concerned, the allegations against them are general and omnibus in nature, and from perusal of the allegation as alleged in the FIR, it would manifest that the same does not disclose that the occurrence was witnessed by any independent witness.

6. Learned Spl. P.P. for the State along with learned counsel appearing on behalf of informant opposes the prayer for anticipatory bail of the appellants but are not in a position to rebut the submission made by learned counsel for the appellants that the allegations against the appellants are general and omnibus in nature.

7. Considering the aforesaid facts, let the appellant nos. 2, (Md. Aabir), 3 (Zeeshan Alam @ Kaila @ Md. Zeeshan Alam), 4 (Md. Aftab Alam @ Aftab), 5 (Nazzo @ Nadim), 6 (Saghiruddin @ Md. Saghiruddin) and 7 (Md. Quddus @ Quddus), in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the



conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order dated 9-1-2024 is set aside and the appeal stands allowed.

(Satyavrat Verma, J)

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