

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4909 of 2024

Arising Out of PS. Case No.-124 Year-2023 Thana- RAUTARA District- Katihar

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Saud Alam @ Sauad Alam Son of Abdul LahiK @ Abdul Lahil Kafir @
Abdul Lahil Kafi Resident of Village- Maheshwa, P.S.- Rautara, Distt.-
Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Satyendra Kumar Jha Son of Indramohan Jha Resident of Village- Koilwar,
P.S.- Raj Nagar, Distt.- Madhubani

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhola Prasad, Adv.
For the Respondent/s : Mr. Sadanand Paswan, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 09-12-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This appeal has been preferred on behalf of the appellant under Sections 14 (A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 26.09.2024 passed by the learned A.D.J.-I-cum-Special Judge, SC/ST Act, Katihar in connection with G.R. No. 7423 of 2023 arising out of Rautara P.S. Case No. 124 of 2023 registered for offence punishable under Sections 147, 148, 149, 341, 323, 337, 338, 332, 333, 353, 307, 354(B), 504, 427, 386 and 285 of the Indian Penal Code read with Section ¾ of Defaming Act and Section 3(1)(r)(s)/3(2)(va) of the SC/ST (POA) Act and Section 8 of the Bihar Saw Mill (Regulation)



Act, 1990 (Rules 1993) and Section 8 of the Indian Forest Act, 1927 and Sections 41, 33, 42 and 52 of the Bihar Amendment Forest Act, whereby the prayer for bail of the appellant has been rejected.

3. As per allegation, the informant on getting secret information that a saw mill is being run without any legal document, he raided the premises of Md. Ibrahim along with other forest staffs. On being demanded the papers of the mill, the mill owner refused to show the papers to the Forest Officer thereafter, the informant ordered his subordinate officer to seize the forest and forest materials on which the accused Md. Ibrahim, his family members and 50 villagers started to splashing mobil oil upon the forest police party and they narrated to burn them. Some people started to damage the police vehicle and they misbehaved the lady forest staffs on which the informant informed the nearest Korha Police Station. Accordingly, the F.I.R.

4. Learned counsel for the appellant submits that the co-accused Md. Ibrahim in whose premises the wooden logs were stored has been granted bail by this Court vide order dated 04.09.2024 passed in Cr. Appeal (SJ) No. 4005 of 2024. He submits that the petitioner is not named in the F.I.R. He is in custody since 26.09.2024.



5. On the other hand, the learned Special Public Prosecutor has opposed the prayer for bail.

6. Considering the above mentioned facts and circumstances of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 26.09.2024 arising out of Rautara P.S. Case No. 124 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with G.R. No. 7423 of 2023 arising out of Rautara P.S. Case No. 124 of 2023 on furnishing bail bond of Rs.10,000/- (rupees ten thousand only) with two sureties of the like amount each to the as well as on the satisfaction of the Court below that he is not absconding in any of the cases, *i.e.* of the learned A.D.J.-I-cum-Special Judge, SC/ST Act, Katihar, subject to the condition that the appellant shall co-operate in the disposal of trial and make himself available as and when required by the Court.

(Nawneet Kumar Pandey, J.)

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