

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3026 of 2017

Arising Out of PS.Case No. -98 Year- 2017 Thana -CHAKAND District- GAYA

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1. Md. Asir @ Md. Nasir S/o Nanhu Mian @ Md. Reyaz Ahmad @
Kamruddin, R/o Village- Dumari, P.S.- Chakand, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 29-11-2017 Heard the learned counsels for the appellant and the

Spl. P.P.

The appellant is aggrieved by the order dated 20.09.2017 passed by the learned Special Judge, SC/ST, Gaya in connection with Chakand P.S. Case No. 98/2017 instituted for the offences under Sections 147, 148, 149, 341, 323, 325, 307, 354, 504 and 506 of the Indian Penal Code read with Sections 3 (i)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 2016, whereby the prayer for his being released on bail, in anticipation of his arrest, has been rejected.

According to the F.I.R., some of the accused persons including the appellant are alleged to have misbehaved with the daughter of the informant and when a protest was made by her,



she was assaulted and abused by her caste name.

No specific allegation has been levelled against the appellant and in fact, the appellant also hails from backward community of the Muslims. No offence, it has been argued, under any of the Sections of Indian Penal Code or under the provisions of the SC/ST Act can at all be said to have been made out.

Mr. Rama Kant Sharma, learned counsel for the appellant has drawn the attention of this Court towards various orders of this Court whereby other accused persons have been given the privilege of anticipatory bail.

Taking the aforesaid fact into account, this Court is inclined to accord the same privilege to the appellant. The order dated 20.09.2017 is set aside.

The appellant is directed to be released on bail, in the event of his surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, subject to his furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Gaya in connection with Chakand P.S. Case No. 98/2017.

(Ashutosh Kumar, J.)

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