

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1205 of 2018

Arising Out of PS.Case No. -94 Year- 2016 Thana -SC/ST District- EASTCHAMPARAN
(MOTIHARI)

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1. Nek Mohammad Mansuri @ Nek Mohammad @ Nek Mohammad Mistri, Son of Khalil Sai,
2. Atikur Rahman, Son of Mujibu Rahman Ansari,
3. Laddu Khan, Son of Kasir Khan,
4. Shabir Ansari @ Sabir Ansari, Son of Amir Ansari,
5. Safiullah Ray @ Safiullah, Son of Sadik Ray,
6. Sadam Khan, Son of Kajim Khan,
7. Husen Laheri @ Hussain Laheri, Son of Sharif Laheri,
8. Kalam Sai @ Aslam Sai, Son of Sailuddin Sai,
9. Sartaj Sai, Son of Munif Sai,
10. Jiyaul Osta, Son of Kamruddin Osta,
11. Ibrahim Mansuri, Son of Ishaque Mansuri,
12. Sabir Khan, Son of Zahir Khan,
13. Omair Mansuri, Son of Ali Ahmad Mansuri,
14. Khafir Mansuri @ Zafir Mansuri, Son of Izrail Mansuri,
15. Sabir Ansari, Son of Tabarak Ansari,
16. Md. Khurshaid Ansari @ Khursid Ansari, Son of Alimahmmad Mansuri,
17. Maniya Ansari, Son of Jilani Ansari,
18. Sheikh Izahar @ Sk. Izahar, Son of Sheikh Majid,
19. Sheikh Sabraj @ Sk. Saraj, Son of Sheikh Jajul,
20. Samsad Sai, Son of Aziz Sai,
21. Amamul Haque, Son of Shahbuddin,
22. Tabarak Pasi, Son of Hanif Pasi,
23. Shah Hussain @ Shah Hussain Ansari, Son of Mubarak Ansari (Maltha),
24. Faiyaz Sai, Son of Mobarak Sai,
25. Seraj Osta @ Serajul Osta, Son of Nek Mohammad Osta,
26. Samsad @ Samsad Laheri, Son of Navesh Laheri, All are resident of Village-Phulwariya, P.S.- Dhaka, District- East Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anuj Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-08-2018

Supplementary affidavit has been filed by the learned



counsel for the appellants. Keep it on the record.

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 09.03.2018 by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), East Champaran, Motihari, in A.B.P. No.325 of 2018, arising out of SC/ST Motihari Police Station Case No.94 of 2016, registered under Sections 147/148/149/341/323/504/506 of the Indian Penal Code and Sections 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There are 29 persons named in the FIR including the appellants to have committed abuse and assault against the informant by taking caste name. The offences alleged under the Indian Penal Code are bailable.

Considering the general and omnibus nature of allegation, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2018
Transmission Date	09.08.2018

