

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.22 of 2018

Arising Out of PS.Case No. -295 Year- 2017 Thana -KHIJARSARAI District- GAYA

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1. Md. Usman Ansari @ Md. Usman @ Munna Alam, Son of Jamal Uddin,
 2. Asgar @ Md. Asgar Ansari, Son of Md. Usman Ansari,
 3. Md. Kaishar @ Chand, Son of Late Anwar Ansari,
 4. Pintu, Son of Late Anwar Ansari, All are resident of Village- Golakpur, P.S.- Khijarsarai, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kunwar Narayan Jamuar

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

4 10-04-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned Special Judge, Special Court, S.C./S.T., Gaya in Khijarsarai P.S. Case No. 295 of 2017 registered under Sections 341, 323, 325, 307, 504/34 of the Indian Penal Code as well as Section 3(1)(r)(s) of the SC/ST Act.

There is case and counter case. FIR disclosed that children of the two families were playing. Appellant no. 1 Md.



Usman Ansari asked the children to go away by showing a pistol. However, none left. Thereafter, there is general and omnibus allegation against three persons that they abused them by taking caste name. Further allegation is commission of assault to Rohit Kumar. The Doctor has found a cut injury just below the nose of Rohit Kumar.

Submission is that the same was caused due to fall during play.

Considering the general and omnibus nature of allegation and case and counter case, the appellants deserve protection of law, hence, 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/- (rupees 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 and 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
this appeal stands allowed.

(Birendra Kumar, J)

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