

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2026 of 2019

Arising Out of PS. Case No.-356 Year-2018 Thana- NATHNAGAR District- Bhagalpur

MD. SALIM Son of Marhum Khalis Resident of Village - Mirgyash Chak,
P.S.- Nathnagar, District- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dhananjay Kumar Pandey
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 09-07-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 04.04.2019 passed by learned Addl. Sessions Judge-III cum Special Judge, Bhagalpur in Nathnagar P.S. Case No. 356 of 2018 registered under Sections 147, 148, 149, 341, 323, 337, 295A, 338, 307, 504 and 506 of the Indian Penal Code and Section 3(a)(va) and 3(i)(s) of the SC/ST Act.

On protest made by the informant over consuming ganja by accused Md. Moin and Md. Shakil, they slated the informant in the name of his caste and assaulted him and his family members inflicting injury to Abhishek Kumar. In the meantime, 23 named and 200-300 unknown miscreants armed



with weapons arrived there and assaulted Ganjendra Kumar and three others.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. Allegation of assault made against the appellant is not specific rather general and omnibus in nature. There is no allegation of slating the informant against the appellant. There were 300 persons involved in the occurrence. Appellant happens to be member of the mob. He has no criminal antecedent. Several accused persons have been enlarged on anticipatory bail by a co-ordinate Bench of this Court.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-III cum Special Judge, Bhagalpur in connection with Nathnagar P.S. Case No. 356 of 2018, subject to the condition as



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

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

(Prakash Chandra Jaiswal, J)

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