

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2745 of 2019

Arising Out of PS. Case No.-83 Year-2019 Thana- MANJHAGARH District- Gopalganj

1. NANDU KHAN Son of Abdullah Khan Resident of Village - Babutola Koini, P.S.- Manjhagarh, District - Gopalganj.
2. Ahsan Mojabin @ Ehshan Mozabin @ Muzamil Hussain Son of Reyajuddin Mian Resident of Village - Babutola Koini, P.S.- Manjhagarh, District - Gopalganj.
3. Wajid Ansari @ Wazid Ali @ Wazid Ansari Son of Reyajuddin Mian Resident of Village - Babutola Koini, P.S.- Manjhagarh, District - Gopalganj.
4. Aarman Ali Son of Jamaluddin Ansari Resident of Village - Babutola Koini, P.S.- Manjhagarh, District - Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 12-07-2019 Heard learned counsel for the appellants 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 03.05.2019 passed by learned 1st Addl. Sessions Judge, Gopalganj in Manjhagarh (SC/ST Act) P.S. Case No. 83 of 2019 registered under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

Appellants along with 7-8 accused persons are said to have surrounded the informant while he was proceeding to tea



stall. Appellant Ahsan Mojabin assaulted on his head by means of rod while appellants Wajid, Nandu and Arman Ali took away Rs.20000/- from his pocket. He was rushed to primary health centre. Later on all the accused persons arriving at his shop slated his father and brothers in the name of their caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in the case by the informant over petty dispute between them. Appellants happen to be next door neighbor of the informant. Informant has not sustained any injury in the occurrence. The allegation of slating the father and brothers of the informant levelled against the appellants is not specific rather general and omnibus in nature. Informant does not happen to be witness of the aforesaid occurrence of slating. Appellants have no criminal antecedent.

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 appellants, be released on bail, in the event of their 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) each with two sureties of the like



amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Gopalganj in connection with Manjhagarh (SC/ST Act) P.S. Case No. 83 of 2019, 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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