

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2993 of 2019**

Arising Out of PS. Case No.-213 Year-2018 Thana- RAJAOLI District- Nawada

1. WARD SADASYA MD. MANSOOR MIYAN @ MD. MASOOR MIYAN  
Son of Garabhu Miyan Resident of Village - Khijua, P.S.- Rajauli, Dist.-  
Nawada.
2. Asif Miyan Son of Abdul Miyan Resident of village - Khijua, P.S.- Rajauli,  
Dist.- Nawada.
3. Md. Nurul Abedin Son of Md. Sattar Miyan Resident of village - Khijua,  
P.S.- Rajauli, Dist.- Nawada.
4. Md. Sahid Miyan @ Shahid Miyan @ Md. Shahid Husain Son of Aasif  
Miyan Resident of village - Khijua, P.S.- Rajauli, Dist.- Nawada.
5. Alim Miyan Son of Husain Miyan Resident of village - Khijua, P.S.- Rajauli,  
Dist.- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Manoj Kumar

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

3      29-08-2019                      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 18.06.2019 passed by learned 1<sup>st</sup> Addl. Sessions Judge  
cum Special Judge, Nawada in Rajauli P.S. Case No. 213 of  
2018 registered under Sections 341, 504, 506, 427/34 of the  
Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

While the informant was raising wall on his land,



appellants armed with weapons arrived there and started slating the informant in the name of his caste and dismantled his wall and also extended threatening to him.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case as they protested against encroaching the passage of the appellant by the informant by raising wall on the same. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of 3 days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay. Witnesses in the case diary have not supported the occurrence of slating the informant in the name of his caste by the appellants. Appellants have no criminal antecedent. Hence they may be enlarged on bail.

On the other hand, learned Spl. PP for the State opposing the bail petition submitted that the appellants have dismantled the wall raised by the informant claiming the land of their own and also slated the informant in the name of his caste. Witnesses have unanimously stated that the appellants have dismantled the wall of the informant for not leaving land for their passage. Hence appellants do not deserve 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 1<sup>st</sup> Addl. Sessions Judge cum Special Judge, Nawada in connection with Rajauli P.S. Case No. 213 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C with condition that the appellants will not commit such occurrence in future else their bail bonds shall stand cancelled by the learned lower court.

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

**(Prakash Chandra Jaiswal, J)**

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