

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3515 of 2019

Arising Out of PS. Case No.-983 Year-2018 Thana- MASAUDHI District- Patna

SYED RIZWAN GANI S/o Late Md. Ushman Gani R/o Mohalla-
Rehmatganj, P.S.- Masaurhi, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Kumar Sharma
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 30-09-2019 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 12.07.2019 passed by learned Addl. Sessions Judge-XIII cum Special Judge, SC/ST Act, Patna in Masaurhi P.S. Case No. 983 of 2018 registered under Sections 447, 504, 427 and 506/34 of the Indian Penal Code and Section 3(i)(r)(v)(g) of the SC/ST Act.

While the informant was constructing house on his land, four named accused persons including the appellant descending there dismantled his wall and slated him in the name of his caste extending threatening of dire consequence in case of constructing house on the said land.



It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, ancestor of the informant has sold out aforesaid land to one Haji Sayed Sultan Gajnafar Hussain and said vendee taking advance of Rs. 9 lacs from the appellant is going to sell out the aforesaid land to the appellant through his son by means of power of attorney and on getting knowledge of the same the informant has lodged this false and frivolous case against the appellant to mount pressure upon him. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste against the appellant. Appellant has 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 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-XIII cum Special Judge, SC/ST Act, Patna in connection



with Masaurhi P.S. Case No. 983 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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