

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4382 of 2018

Arising Out of PS. Case No.-42 Year-2018 Thana- SC/ST District- Jehanabad

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1. Saidu Rahman @ Md. Saiyar Rahman Son of Md. Akhtar Miyan @ Akhtar Hussain
 2. Md. Sahwaj @ Md. Shahbaj Son of Md. Arfan Miayn @ Irfan
 3. Md. Faisal Son of Md. Iqwal Miyan
 4. Sahid Mian @ Md. Shahid
 5. Sahari @ Shaharyar Shekh Son of Md. Shahzad All Resident of Village-Bara P.S.+Distt.-Jehanabad

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-01-2019 At the very outset, learned counsel for the appellants has submitted that appellant nos. 1 and 4 during pendency of this appeal has been taken into custody, as such, this appeal with regard to appellant nos. 1 and 4 has become infructuous and he may be allowed to withdraw the prayer for anticipatory bail so far appellant nos. 1 and 4 are concerned.

In view of the submission of learned counsel for the appellants, this appeal with regard to appellant nos. 1 and 4 is dismissed as withdrawn having become infructuous.

So far other appellants are concerned, they seek for setting aside the order dated 06.10.2018, passed in Jehanabad SC/ST P.S. Case No. 42 of 2018 for the offences punishable



under Sections 147, 149, 323, 337, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s) and 3(2)(va) of SC/ST Act, by the learned Additional District & Sessions Judge -I, Jehanabad, whereby and whereunder, appellants' application for grant of anticipatory bail has been rejected.

Allegation against the appellants is that they abused the informant and assaulted him and further they have also damaged the DJ trolley.

It has been submitted on behalf of the appellants that no specific allegation has been attributed to the appellants and further there is no application of provisions of SC/ST Act in this case as there is no allegation of abusing the informant by caste name and all the sections of IPC are bailable.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and the impugned order is set aside, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of six weeks, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousands) each with two sureties of the like amount each to the satisfaction of learned learned Additional District & Sessions Judge -I,



Jehanabad, in connection with Jehanabad SC/ST P.S. Case No.
42 of 2018 , subject to the conditions laid down under Section
438 (2) of Cr.P.C.

(Vinod Kumar Sinha, J)

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