

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5359 of 2019

Arising Out of PS. Case No.-48 Year-2017 Thana- SC/ST District- Banka

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1. MINSAR Son of Yusuf Resident of Village - Bishanpur, P.S.- Dhoraiya, District - Banka
 2. Mustar @ Md. Mustar Son of Abdul Hamid Resident of Village - Bishanpur, P.S.- Dhoraiya, District - Banka
 3. Hasuwa @ Md. Hasnain Son of Halim @ Md. Halimuddin Resident of Village - Bishanpur, P.S.- Dhoraiya, District - Banka
 4. Imtiyaz Son of Jasim @ Md. Jasim Resident of Village - Bishanpur, P.S.- Dhoraiya, District - Banka
 5. Futo Yadav @ Futo @ Hasiv Akhtar Son of Hasan @ Hasan Alam Resident of Village - Bishanpur, P.S.- Dhoraiya, District - Banka

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Nandad Prasad
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-12-2019 Heard the parties.

By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellants seek for setting aside the order 20.11.2019 passed in SC/ST Case No.48 of 2017 for the offences punishable under Sections 147, 341, 323, 504, 506 of the Indian Penal Code and Section 3(1)(r) of SC/ST Act by the learned Addl. Sessions Judge -I cum Special Judge (SC/ST) Banka whereby and where-under, the appellants'



application for grant of anticipatory bail has been rejected.

As per FIR, appellants have abused the informant by taking caste name and assaulted him.

Submission of the learned counsel for the appellants is that no specific allegation has been attributed even the caste name has not been mentioned in the FIR and the allegations are general and omnibus in nature.

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 learned court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge -I cum Special Judge (SC/ST), Banka in connection with SC/ST P.S.Case No.48 of 2017 subject to condition as laid down under Section 438 of Cr.P.C.

(Vinod Kumar Sinha, J)

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