

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1653 of 2020**

Arising Out of PS. Case No.-100 Year-2019 Thana- MAINATAND District- West Champaran

1. SHEIKH NESHAR @ SHEIKH NESAR @ NESAR AHMAD S/o Anwarul Haque Resident of Village-Ashtha, P.S.-Mainatand, District-West Champaran.
2. Najamuddin Ansari @ Najamuddin S/o Late Gani Miyan Resident of Village-Ashtha, P.S.-Mainatand, District-West Champaran.
3. Abdul Mannan Ansari @ Mannan Miyan S/o Late Sobrati Miyan Resident of Village-Ashtha, P.S.-Mainatand, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Ms. Usha Kumari No.1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 26-11-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 17.03.2020, passed by learned Additional District and Sessions Judge-I-cum-Special Judge, Bettiah, West Champaran in a case registered for the offence punishable under Sections 435, 504 and 506 of the Indian Penal Code and Section 3 (i)(w)(v) of the SC/ST (Prevention of Atrocities) Act, whereby anticipatory bail of the appellants have been rejected.

As per the prosecution case, on 23.11.2019 all these appellants threatened the driver of the thresher and made him to



flee. On the next day, at around 6:30 AM, informant came to know that all these appellants have destroyed the informant's grain by fire.

Learned counsel for the appellants submits that the informant is not the eye witness of the occurrence and the appellants have falsely been implicated in this case only on suspicion. It is further submitted that on perusal of the F.I.R., it is apparent that no caste based abuse is alleged to have been made against the informant by these appellants. It is stated in paragraph 3 of the memo of the appeal that appellants have got clean antecedent.

Learned counsel for the State on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 17.03.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the Court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of



learned Additional District and Sessions Judge-I-cum-Special
Judge, Bettiah, West Champaran in Mainatand Police Station
Case No. 100 of 2019.

(Prabhat Kumar Singh, J)

Ankit/-

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