

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1151 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- NIMCHAKBATHANI District- Gaya

1. MD. GUDDU MIYAN @ PARWEZ ALAM Son of Md. Sabir Alam Resident of Village - Nateshwar, Police Station - Nimchak Bathani, District - Gaya.
2. MD. KHURNUD Son of Md. Samim Resident of Village - Nateshwar, Police Station - Nimchak Bathani, District - Gaya.
3. MD. GULFAM Son of Md. Allauddin Alam Resident of Village - Nateshwar, Police Station - Nimchak Bathani, District - Gaya.
4. MD. HAROON Son of Mohammed Shamim Resident of Village - Nateshwar, Police Station - Nimchak Bathani, District - Gaya.
5. MD. MURSHID Son of Md. Ikbal Resident of Village - Nateshwar, Police Station - Nimchak Bathani, District - Gaya.
6. MD. EJAJ Son of Md. Jyauddin Resident of Village - Nateshwar, Police Station - Nimchak Bathani, District - Gaya.
7. MD. NIJU @ MOHAMMD NAULEJ Son of Md. Saiyad Alam Resident of Village - Nateshwar, Police Station - Nimchak Bathani, District - Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kunwar Narayan Jamuar, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-08-2021 Heard the learned counsel for the appellants and

the learned Special Public Prosecutor for the State.

The learned counsel for the appellants seeks

permission to make correction in the name of appellant no. 2

/ Md. Khurnud.

Let the name of appellant no. 2 be read as Md.



Khushnud in stead of Md. Khurnud.

The appellants have challenged the order dated 03.11.2020 passed by the learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 189 of 2020 arising out of Neemchak Bathani P.S. Case No. 178 of 2020, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences under Sections 147, 148, 149, 323, 325, 307 and 504 of the Indian Penal Code, Section 27 of the Arms Act and under Section 3(i)(r)(s) of SC/ST (POA) Act has been rejected.

The accusation in the First Information Report is that the aunt of the informant and her two other associates were attempted to be molested by the accused persons when they had gone to attend to the call of nature. On alarm raised by them, the appellants are said to have assaulted the members of the prosecution party and also abused them.

Learned counsel for the appellants has submitted that the F.I.R. has been lodged after the delay of 12 hours with no specific accusation against any one of the appellants. Twenty eight persons of the village have been made accused



in this case. There is a counter version of the occurrence also which has been lodged by one of the appellants against thirty two persons. The dispute had arisen because of sharing the seat on the Railway platform. The accusation under the SC/ST (Prevention of Atrocities) Act, has been hurled in most unjustified manner.

On the afore-noted grounds, it has been urged that none of the offences either under the provisions of Indian Penal Code or under the SC/ST (Prevention of Atrocities), Act can at all be said to have been made out against the appellants.

For the reasons afore-stated, the order dated 03.11.2020 passed by the learned Exclusive Special Judge, SC/ST, Gaya, is set aside.

The appellants, above named, are directed to be released on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of like amount each to the



satisfaction of learned learned Exclusive Special Judge,
SC/ST, Gaya in connection with Neemchak Bathani P.S.
Case No. 178 of 2020

(Ashutosh Kumar, J)

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