

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.215 of 2020**

Arising Out of PS. Case No.-44 Year-2018 Thana- WAJIRGANJ District- Gaya

SARWAN KHAN @ MD. SARWAR KHAN @ SARWAR KHAN Son of
Md. Ashraf Khan @ Md. Asraf Khan Resident of Village - Taali (Tarwan),
P.S.- Wazirganj, District - Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No.2

For the Respondent/s : Mr.Binay Krishna

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

3 23-02-2021 Heard Mr. Manish Kumar No.2, learned counsel for

the appellant and Mr. Binay Krishna, learned Special P.P. for the

State.

This appeal is filed under Section 14(A)(2) of
S.C./S.T.(Prevention of Atrocities) Act against the order dated
12.12.2019 passed in A.B.P. No.4743/2019/312-19 by the
learned Exclusive Special Judge, S.C./S.T., Gaya in connection
with Wazirganj P.S. Case No.44 of 2018(G.R. No.858 of 2018)
registered under Sections 341, 323, 337, 354(B), 379, 506, 504,
307, 326 and 34 of the Indian Penal Code and Sections 3(1)(r)
(s)/3(2)(v-a) of the S.C./S.T.(POA) Act by which the
anticipatory bail petition of the appellant has been rejected.

Mr. Manish Kumar No.2, learned counsel for the



appellant submits that police after investigation found the accusation against the appellant false but the learned Special Judge took cognizance against the appellant and four other accused persons stating therein that sufficient materials are available on the record. It is further submitted that there is omnibus and general allegation against all the five accused persons. The occurrence took place due to plucking of plum. The accused persons are alleged to have throwing stones out of which one stone fell on the informant causing injury to him and thereafter the subsequent event occurred in which the appellant and others are alleged to have assaulted the informant and others. It is submitted that all the four other accused persons have been granted anticipatory bail by order dated 17.07.2018 passed in Cr. Appeal No.1621 of 2018 by a Co-ordinate Bench of this Court and the case of the appellant stands on better footing in as much as the police did not find the case true against the appellant.

Mr. Binay Krishna, learned Special P.P. did not dispute this fact.

Having considered the facts and the nature of allegation made against the appellant and the fact that the police after investigation submitted final form, let the appellant, above



named, in the event of his arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, S.C./S.T. Act, Gaya in connection with Wazirganj P.S. Case No.44 of 2018(G.R. No.858 of 2018), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The appeal is accordingly allowed. The order dated 12.12.2019 is set aside.

(Prabhat Kumar Jha, J)

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