

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1236 of 2021

Arising Out of PS. Case No.-565 Year-2019 Thana- SASARAM NAGAR District- Rohtas

1. Mangaru Kuraishi S/O Late Serazuddin Kuraishi @ Sarajuddin Resident Of Mohalla- Magalpura, P.S.- Sasaram (T), District- Rohtas.
2. Saddam Kuraishi S/O Mangru Kuraishi Resident Of Mohalla- Magalpura, P.S.- Sasaram (T), District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Krishna Prasad Singh- Sr. Advocate
For the Respondent/s : Ms. Usha Kumari-1- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-07-2021 Heard Mr. Krishna Prasad Singh, the learned Senior Advocate for the appellants and Ms. Usha Kumari-1, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 04.12.2020 passed by the learned 1st Additional Sessions Judge, Rohtas at Sasaram in connection with Sasaram (T) P. S. Case No.565 of 2019, instituted for the offences under Sections 379, 323, 341, 504/ 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

It has been alleged in the F.I.R. that the appellants



and others abused and assaulted the informant.

It has been argued on behalf of the appellants that there is no injury report on record and that all the offences under the I.P.C. are bailable except Section 379 of the I.P.C.

The learned Senior Advocate for appellants has also stated that to add seriousness to the offence, the allegation of abusing the informant by taking his caste name has been made by the informant. It has thus been urged that no offence under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act can at all be said to have been made out against the appellants.

For the afore-noted reasons, the order dated 04.12.2020, referred to above, is set aside.

The appeal stands allowed.

The appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Rohtas at Sasaram in connection with Sasaram (T) P. S. Case No.565 of 2019, subject to the conditions laid down under



Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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