

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1514 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- GAYA MUFASIL District- Gaya

1. Jamil Miyan @ Md. Gabbar S/O Md. Faheem Resident of Village- Bhadeja, P.S.- Muffasil, Dist- Gaya
2. Md. Shahnawaz Son of Md. Mumtaz Resident of Village- Bhadeja, P.S.- Muffasil, Dist- Gaya
3. Md. Salauddin @ Md. Salahuddin Son of Late Md. Allauddin Miyan Resident of Village- Bhadeja, P.S.- Muffasil, Dist- Gaya
4. Ruby Khatoon Wife of Md. Nayeem @ Guddu Resident of Village- Bhadeja, P.S.- Muffasil, Dist- Gaya
5. Md. Ishteyaque Ahmad @ Md. Ishteyaque Son of Late Md. Khalil @ Khalil Resident of Village- Bhadeja, P.S.- Muffasil, Dist- Gaya
6. Md. Haider Ali @ Md. Haider Son of Noor Mohammad Resident of Village- Bhadeja, P.S.- Muffasil, Dist- Gaya
7. Md. Sameer @ Md. Sim Son of Late Md. Salim @ Gora Resident of Village- Bhadeja, P.S.- Muffasil, District- Gaya.
8. Md. Zeyabul @ Jayabul @ Md. Jayaul Son of Late Abdul Aziz Resident of Village- Bhadeja, P.S.- Muffasil, Dist- Gaya
9. Noor Hasan Son of Late Salamat Miyan Resident of Village- Bhadeja, P.S.- Muffasil, Dist- Gaya
10. Md. Shane Ahmad @ Raja Son of Md. Ghulam Resident of Village- Bhadeja, P.S.- Muffasil, Dist- Gaya
11. Rehana Khatoon @ Munni Wife of Md. Mumtaz Resident of Village- Bhadeja, P.S.- Muffasil, Dist- Gaya
12. Md. Rizwan Son of Late Elahi Miyan Resident of Village- Bhadeja, P.S.- Muffasil, Dist- Gaya

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. S. Jamil Akhtar
For the Respondent/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-11-2021 Heard learned counsel for the appellants and

learned APP for the State.



Learned counsel for the appellants is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The appellants have challenged the order dated 05.03.2020 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Mufassil P.S. Case No. 47 of 2020 instituted for the offences under Sections 147, 148, 341, 504, 506, 337, 427, 153(a), 379 of the Indian Penal Code and Section 3(1)(r)(s) 2(va) of the SC & ST (Prevention of Atrocities) Act, 1989, whereby the prayer for being released on anticipatory bail has been rejected.

Learned counsel for the appellants submits that the allegation against the appellants is omnibus and general. There is counter version of the occurrence also. Moreover, the occurrence has not been committed in public view, hence the provisions of the SC/ST Act shall



not be attracted. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 05.03.2020. The appeal is hereby allowed.

The appellants, above named are directed to be released on bail in the event of their arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Muffasil P.S. Case No. 47 of 2020.

(Sunil Kumar Panwar, J)

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