

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2034 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- AMDABAD District- Katihar

1. MD GULAB ROUSHAN, Son of Late Md. Sagir Resident of Village - Paschim Tola Navratanpur P.S. - Amdabad, District- Katihar.
2. Md. Wasim @ Md. Wasim Akram Son of Late Md. Sagir Resident of Village - Paschim Tola Navratanpur P.S. - Amdabad, District- Katihar.
3. Md. Danish @ Md. Danish Quammar Son of Late Md. sagir Resident of Village - Paschim Tola Navratanpur P.S. - Amdabad, District- Katihar.
4. Md. Shamaul @ Shamaul Son of Md. Mojim Resident of Village - Paschim Tola Navratanpur P.S. - Amdabad, District- Katihar.
5. Md. Mojim @ Mojib Son of Late Jamiruddin Resident of Village - Paschim Tola Navratanpur P.S. - Amdabad, District- Katihar.
6. Md. Wahid @ Md. Abdul Wahid Son of Late Md. Kalu Resident of Village - Paschim Tola Navratanpur P.S. - Amdabad, District- Katihar.
7. Md. Parwej @ Prabej Sabji Son of sagir Sabji Resident of Village - Paschim Tola Navratanpur P.S. - Amdabad, District- Katihar.
8. Md. Afsed @ Afsed Sabji @ Afsad Sabji Son of Sagir Sabji Resident of Village - Paschim Tola Navratanpur P.S. - Amdabad, District- Katihar.
9. Pintu @ Seikh Pintu Son of Halim Resident of Village - Paschim Tola Navratanpur P.S. - Amdabad, District- Katihar.
10. Guljar @ Guljar Hasan Son of Mojim Resident of Village - Paschim Tola Navratanpur P.S. - Amdabad, District- Katihar.
11. Afsar Ajad @ Afsar Ajad Son of Ajmuddin Ajad Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
12. Faiyaz @ Raiyaj @ Faiyaj Alam Son of Bilal Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
13. Sonu @ Md. Sonu @ Seikh Sonu Son of Seikh Khakhan Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
14. Monu @ Md. Monu Son of Seikh Khakhan Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
15. Ragib @ Rakib Son of Islamuddin @ Nayeemuddin Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
16. Ishtiyak @ Md. Istiyak @ Md. Istiyak Alam Son of Islamuddin @ Nayeemuddin Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
17. Md. Dilkash @ Dilkash Son of Islamuddin @ Nayeemuddin Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
18. Md. Muntajir Mansuri @ Montjir Son of Md. Fakhruddin Mansuri Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
19. Seikh Rahmat @ Sk Rahmat Son of Seikh Nayeem Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.



20. Tanvir @ Md. Tanvir Ansari Son of Shafikul Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
21. Sarfaraj @ Md. Sarfaraj Ansari Son of Shafikul Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
22. Guljar @ Md. Guljar Ansari @ Guljar Ansari Son of Shafikul Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
23. Afroj @ Md. Afroj Alam Son of Moti Dealer Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
24. Raviul Hashan @ Rabiul S/O Afsed Moji Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
25. Md. Raja Son of Late Sabir Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
26. Nasim @ Md. Nasim Son of Md. Raja Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
27. Aarif @ Aarif Khan Son of Seikh Mayuddin Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
28. Rafik @ Md. Rafik Son of Samful Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
29. Full Khan Son of Imran Khan Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
30. Sherdil @ Md. Shardil Son of Mustkim Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
31. Wakil @ Md. Wakil Son of Abdulla Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.
32. Aadil @ Md. Aadil Ansari Son of Hakimuddin Resident of Village - Navratanpur P.S. - Amdabad, District- Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Om Prakash Singh
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-07-2021 Heard Mr. N. K. Agrawal, learned senior

Advocate for the appellants and Ms. Usha Kumari-I,

learned Special Public Prosecutor for the State.



The appellants have challenged the order dated 21.12.2020, passed by the learned Additional Sessions Judge 1 cum learned Special Judge SC & ST Act at Katihar, in A.B.P. No. 66 of 2020, arising out of Amdabad P. S. Case No. 173 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 147, 148, 149, 323, 354, 452, 504 and 506 of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The appellants are said to have assaulted and abused the members of the prosecution party.

The learned counsel for the appellants has submitted that more than 50 persons have been made accused in this case. The occurrence arose because of some dispute between the children of two communities but it galvanized into full fledged conflict between two groups of people.



There is a counter case also which has been lodged prior in point of time to the subject F.I.R.

Nothing specific has been alleged against anyone of the appellants and nobody also appears to have been injured in any serious manner.

The accusation involving the mischief of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 appears to be only for the purposes of adding seriousness to the offence.

Regard being had to the afore-stated facts, the order dated 21.12.2020, passed by the learned Additional Sessions Judge 1 cum learned Special Judge SC & ST Act at Katihar, is set aside.

The appeal stands allowed.

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 their furnishing bail bonds in the sum of



Rs. 10,000 /- (Ten Thousand) each with two sureties of
the like amount each to the satisfaction of the learned
Additional Sessions Judge 1 cum learned Special Judge
SC & ST Act at Katihar, in connection with Amdabad P.
S. Case No. 173 of 2020, subject to the conditions as
laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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