

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.949 of 2020

Arising Out of PS. Case No.-71 Year-2017 Thana- KURTHA District- Jehanabad

MD.ASAMI RAJA Son of Imteyaz Ahmad Resident of Village - Dhamol,
P.S.- Kurta, Distt.- Arwal

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjay Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-02-2021 Learned counsel for the appellant is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard learned counsel for the appellant and learned APP for the State.

The matter relates to grant of anticipatory bail to the appellant in connection with a case registered for the offences under Sections 147, 149, 341, 323, 504 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused persons named in the F.I.R. and 20-25 unknown persons came with lathi, danda and rod and started to assault the informant, due to which he sustained injuries and they also abused him



taking his caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. General and omnibus allegation has been made against the ten accused persons named in the F.I.R. and 20-25 unknown persons. No specific overt act is alleged against the appellant. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 10.01.2020, passed by the learned Additional Sessions Judge 1st, Jehanabad vide A.B.P. No.1333 of 2019 in connection with Kurtha P.S. case No.71 of 2017, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Additional Sessions Judge 1st, Jehanabad in connection with
Kurtha P.S. case No.71 of 2017.

(Sudhir Singh, J)

Narendra/-

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