

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2042 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- NIMCHAKBATHANI District- Gaya

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1. Md. Tufail, Son of Kuddush Mian
 2. Md. Kalim, Son of Md. Shamim
 3. Md. Mobassir, Son of Md. Naushad
 4. Md. Ashagar @ Md. Ajahar, Son of Md. Mahmood
 5. Md. Shareef, Son of Md. Sabir

All are Resident of Village - Nateshwar, P.S. - Nimchak Bathani, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kunwar Narayan Jamuar, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-07-2021 Heard Mr. Kunwar Narayan Jamuar, the

learned Advocate for the appellants and the learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

27.11.2020 passed by the learned Exclusive Special

Judge, SC/ST, Gaya in connection with Neemchak



Bathani P.S. Case No. 178 of 2020, instituted for the offences under Sections 147, 148, 149, 323, 325, 307 and 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

With respect to a minor dispute, an occurrence is said to have taken place in which both the sides fought against each other.

It has been submitted on behalf of the appellants that there is a case and counter case. Nothing specific has been alleged against the appellants and nobody has received any injury in the transaction. The allegation with respect to clauses of SC/ST (Prevention of Atrocities) Act, it has been urged, has unnecessarily been added in the F.I.R. in order to give serious colour to the case.

Regard being had to the aforesaid submissions, the order dated 27.11.2020, referred to above, is set-



aside.

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 learned Exclusive Special Judge, SC/ST, Gaya in connection with Neemchak Bathani P.S. Case No. 178 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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