

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1988 of 2020

Arising Out of PS. Case No.-55 Year-2014 Thana- MANSURCHAK District- Begusarai

1. MD. CHAND @ MD. AFTAB Son of Md. Kamal (Sheikhotli). Resident of Village- Alamchak, P.S.- Mansurchak, District- Begusarai.
2. Md. Nasim Son of Md. Ajim (Sheikhtoli) Resident of Village- Alamchak, P.S.- Mansurchak, District- Begusarai.
3. Mahendra Prasad Gupta Son of Late Rambabu Gupta Resident of Village- Alamchak, P.S.- Mansurchak, District- Begusarai.
4. Md. Shamim Akhtar Son of Md. Anish Resident of Village- Alamchak, P.S.- Mansurchak, District- Begusarai.
5. Sabnam Khatun Wife of Shaukat Resident of Village- Alamchak, P.S.- Mansurchak, District- Begusarai.
6. Anjum Parween Wife of Imtiyaz Resident of Village- Alamchak, P.S.- Mansurchak, District- Begusarai.
7. Md. Modeen @ Qaimuddin Son of Md. Reyaz (Gachchitola). Resident of Village- Alamchak, P.S.- Mansurchak, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Nazir Ansari
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-01-2021 At the outset, learned counsel for the appellants has informed that during pendency of this case, Md. Nasim appellant no. 2 has died and hence, prayer for anticipatory bail with regard to appellant no. 2 has become infructuous.

The anticipatory bail application with regard to appellant no. 2 is dismissed as infructuous.

Heard learned counsel for the appellants and learned



Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 08.06.2016 passed by learned Special Judge (SC/ST Act), Begusarai in connection with Mansurchak P.S. Case No. 55 of 2014 under Sections 147, 148, 149, 341, 342, 427, 379, 307, 353, 504 and 506 of the Indian Penal Code and section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

Prosecution case in brief is that 400 to 500 male and female attacked on the official premises of the informant and ransacked the official articles. However, 15 peoples including these appellants were identified.

It is submitted on behalf of the appellants there is general and omnibus allegation. No specific overt act has been alleged against these appellants. No case under SC/ST is made out. Similarly situated co-accused persons have been granted bail by this court vide Cr. APP (SJ) No. 1105 of 2016. Appellants have got clean antecedent.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 08.06.2016 passed by learned Special



Judge (SC/ST Act), Begusarai is set aside.

Let the appellant nos. 1, 3, 4, 5, 6 and 7 above-named, in the event of their arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Begusarai in connection with Mansurchak P.S. Case No. 55 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Singh, J)

vinita/-

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