

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1982 of 2020

Arising Out of PS. Case No.-120 Year-2020 Thana- BARSOI District- Katihar

MD. SHAHANAWAZ @ MD. SHAHNWAZ @ GUDDU Son of Md. Fazlur Rahman @ Fazlur Rahman Resident of Village - Raghunathpur, P.S. - Barsoi, Dist. - Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Rajak Son of Jiwan Rajak Resident of Village - Barsoi Bazar, P.S. - Barsoi, Dist. - Katihar (informant).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Qumrul Hoda
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-01-2021 Heard learned counsel for the appellant and learned Special P.P. for the State.

The present appeal has been filed against the order dated 04.07.2020 passed by learned 1st Additional Sessions Judge cum Special Judge, Katihar in connection with Barsoi P.S. Case No. 120/2020 registered for the offences punishable under Sections 341/323/427/504/506/34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(ii)(v)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, the appellant and other six unidentified persons have assaulted and abused the informant by taking his caste name.



There is case and counter case between the parties. Appellant had lodged Barsoi P.S. Case No. 123/20 against the informant and two others on 17.06.2020 and instant case is counter blast of the aforesaid case. Allegation in F.I.R. is vague and no date of occurrence is mentioned. Appellant has no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 04.07.2020 passed by learned 1st Additional Sessions Judge cum Special Judge, Katihar in connection with Barsoi P.S. Case No. 120/2020 is set aside and appeal is allowed.

Accordingly, let the appellant, above named, in the event of arrest or surrender 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 learned Chief Judicial Magistrate, Katihar, in connection with Barsoi P.S. Case No. 120/2020.

(Prabhat Kumar Singh, J)

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