

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.393 of 2021**

Arising Out of PS. Case No.-33 Year-2020 Thana- SC/ST District- Vaishali

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1. ANWAR ALI Son of Abul Wafa Resident of Village - Mufti Mohalla Nakhas, Hajipur, P.O.- Hajipur, P.S.- Town Hajipur, Distt.- Vaishali, Pin code- 844101.
  2. Md. Arshad Ali @ Arshad Ali Son of Md. Abul Wafa Resident of Village - Mufti Mohalla Nakhas, Hajipur, P.O.- Hajipur, P.S.- Town Hajipur, Distt.- Vaishali, Pin code- 844101.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Saurabh Bishwambhar  
For the Respondent/s : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
ORAL ORDER

2      12-04-2021                      Heard learned counsel for the appellants and learned  
Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the accused persons including the appellants assaulted the informant and



they also abused him by taking his caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. It is a case and counter case between the parties. Free fight is alleged to have taken place. The case was instituted after 13 days of the alleged occurrence. 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 appellants are named in the complaint case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 12.08.2020, passed by the learned Additional Sessions Judge 1st-cum-Special Judge SC and ST Act, Hajipur, Vaishali in connection with Hajipur P.S. case No.33 of 2020, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, 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-cum-Special Judge SC and ST  
Act, Hajipur, Vaishali in connection with Hajipur P.S. case  
No.33 of 2020.

**(Sudhir Singh, J)**

Narendra/-

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