

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4401 of 2019

Arising Out of PS. Case No.-42 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. AFTAB KHAN Son of Md. Mokhtar Khan Resident of Village - Bania Baraun, P.S.- Sherghati, Distt - Gaya.
 2. Shakeel Ahmad Khan @ Shakeel Khan Son of Late Basi Khan Resident of Village - Bania Baraun, P.S.- Sherghati, Distt - Gaya.
 3. Ashraf Khan Son of Bado Khan Resident of Village - Bania Baraun, P.S.- Sherghati, Distt - Gaya.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Tiru Manjhi @ Sahdeo Manjhi Son of Tulsi Manjhi Resident of Village - Bania Baraun, P.S.- Sherghati, Distt - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shivendra Prasad, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 25-02-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 147, 148, 149, 504, 448, 354, 380, 436 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(v-a) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the appellants variously armed came and abused the complainant and entered into his house and threw out articles from the house and



appellant No.2 caught the hair of wife of the complainant and dragged her out from the house and the appellants took away Rs.12,000/- from the box of daughter-in-law of the complainant.

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. General and omnibus allegation has been made. After investigation, the police had submitted final form against the appellants. 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.

In view of the aforesaid facts and circumstances, the order dated 16.08.2019, passed by the learned Exclusive Special Judge, SC/ST Act, Gaya vide A.B.P. No.217 of 2019 in connection with Complaint case No.42 of 2018 corresponding to SC/ST Trial No.57 of 2019, 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 Exclusive Special Judge, SC/ST Act, Gaya in connection with Complaint case No.42 of 2018 corresponding to SC/ST Trial No.57 of 2019.

(Sudhir Singh, J)

Narendra/-

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