

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.274 of 2022

Arising Out of PS. Case No.-501 Year-2021 Thana- DAUDNAGAR District- Aurangabad

1. Md. Raja Babu @ Raja Pawadia Son of Mazhar Pawadia @ Mazhar. Resident of Village- Gola Road Daudnagar, P.S.- Daudnagar, District- Aurangabad (Bihar).
2. Imamul Haque @ Md. Emamul Haque Son of Shamshul Haque Resident of Village- Gola Road Daudnagar, P.S.- Daudnagar, District- Aurangabad (Bihar).
3. Zeyaul Haque Son of Shamshul Haque Resident of Village- Gola Road Daudnagar, P.S.- Daudnagar, District- Aurangabad (Bihar).
4. Kasmuddin Quraishi @ Md. Kasmuddin S/o Ghulam Gaus @ Gausul Hoda Resident of Village- Gola Road Daudnagar, P.S.- Daudnagar, District- Aurangabad (Bihar).
5. Shabhir @ Md. Sagir Son of Late Moin @ Moinuddin Resident of Village- Gola Road Daudnagar, P.S.- Daudnagar, District- Aurangabad (Bihar).
6. Gabbar Quraishi Son of Ishok Quraishi @ Md. Istak Quraishi Resident of Village- Gola Road Daudnagar, P.S.- Daudnagar, District- Aurangabad (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Ram S/o Late Kuldip Das R/o Mohalla- Gola Road, Daudnagar, P.S.- Daudnagar, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjit Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-07-2022 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated

23.11.2021 passed by the learned Additional District &

Sessions Judge-I-cum-Special Judge, SC/ST Act,



Aurangabad in connection with Daudnagar P.S. Case No. 501 of 2021 instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 of the Indian Penal Code and Section 3(i)(r)(s) 2 (va) of the SC & ST (Prevention of Atrocities) Act, whereby their prayer for being released on anticipatory bail has been rejected.

The accusations are of making assault and abusing by calling caste name.

Learned counsel for the appellants seeks permission to withdraw the appeal with regard to appellant Nos. 4, 5 and 6 namely Kasmuddin Quraishi @ Kasmuddin, Shabhir @ Md. Sagir and Gabbar Quraishi since they have been arrested.

Permission is accorded.

Accordingly, the appeal with regard to appellant Nos. 4, 5 and 6 is permitted to be withdrawn.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in



this case and in the background of some petty dispute, the present case has been lodged. As per F.I.R, the occurrence took place in front of house of the informant, not in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellants. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 23.11.2021 passed by the learned Additional District & Sessions Judge-I-cum-Special Judge, SC/ST Act, Aurangabad.

Accordingly, this appeal is allowed.

The appellants, above named, except appellant Nos. 4, 5 and 6 are directed to be released on bail in the event of their arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned



Additional District & Sessions Judge-I-cum-Special
Judge, SC/ST Act, Aurangabad in connection with
Daudnagar P.S. Case No. 501 of 2021.

(Sunil Kumar Panwar, J)

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