

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1076 of 2022

Arising Out of PS. Case No.-338 Year-2020 Thana- NAANPUR District- Sitamarhi

1. Md. Sahbuddin @ Md. Shahabuddin Son Of Late Md. Amin Resident Of Village - Ward No. 7, Paktola, Anchal Bokhra, Chakauli, P.S. Nanpur, District - Sitamarhi.
2. Aftab Alam Son Of Md. Sahbuddin Resident Of Village - Ward No. 8, Paktola, Anchal Bokhra, Chakauli, P.S. Nanpur, District - Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Dhankar Son of Ram Prasad Dhankar Resident of Sariya, Ward no-5, P.S.-Nanpur, District-Sitamarhi

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1144 of 2022

Arising Out of PS. Case No.-338 Year-2020 Thana- NAANPUR District- Sitamarhi

1. Md Dastagir @ Babalu @ Dastagir S/O- Md.Akhtar Resident Of Village- R.No. 51/2, Koliwada Plot Saheed Road, Majas Badruddin Tayyabji Road, Jogeshwari East Mumbai, Dist- Mumbai.
2. Md Noaman @ Noaman @ Md. Noman S/O Md. Ansar @ Md. Anjar Resident Of Village- Chakauli Road, Near, Madrasa, Paktola, Rarhi, P.S.- Rari, District- Darbhanga.
3. Md.Rehan @ Rehan S/O Md. Usman @ Ushaman Resident Of Village- Paktola, P.S.- Nanpur, District- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Dhankar Son of Ramprasad Dhankar Resident of village-Sariya, Ward no-5, P.S.-Nanpur, District-Sitamarhi

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1076 of 2022)

For the Appellant/s : Mr. Ayush Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.
For the Informant : Mr. Hans Lal Kumar, Advocate

(In CRIMINAL APPEAL (SJ) No. 1144 of 2022)

For the Appellant/s : Mr. Ayush Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.
For the Informant : Mr. Hans Lal Kumar, Advocate



CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 08-12-2022 Vide order dated 17.11.2022 the prayer for bail of appellant no.1 in Cr. Appeal (SJ) No. 1076 of 2022) has already been dismissed as withdrawn.

Heard learned counsel for the appellants and learned Special Public Prosecutor.

The present appeal is directed against the order dated 08.02.2022 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST, (POA), Act, Sitamarhi in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 337, 295, 504 and 506 of the Indian Penal Code and Sections 3(1)(r) of the SC/ST (POA) whereby anticipatory bail of the appellants have been rejected.

Allegedly, it is a case of altercation between two communities and appellants along with other accused persons started pelting stones and hurling lathi with a view to harass the religious sentiment of the informant.

It is submitted by learned counsel for the appellants that the provision of SC/ST Act is not attracted because there is no intention of the appellants to insult the informant who is a member of the SC/ST community, there is general and omnibus allegation against the appellants and there is case and counter



case between the parties.

Learned Special Public Prosecutor on the other hand opposes the prayer for anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the Court is inclined to allow this appeal. Accordingly, the instant appeal is allowed and the impugned order dated 08.02.2022 passed in ABP Case No.2498 of 2021 is hereby set aside.

The appellants, namely, Aftab Alam, Md. Dastagir @ Babalu @ Dastagir, Md. Noaman @ Noaman @ Md. Noman and Md. Rehan @ Rehan are directed to be enlarged on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Nanpur P.S. case No. 338 of 2020.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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