

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1059 of 2022

Arising Out of PS. Case No.-574 Year-2021 Thana- GAYA MUFASIL District- Gaya

1. Md Ashraf @ Ashraf Imam S/o Imam Usman Gani Resident of Village- Jagdishpur, P.S.- Muffasil, District- Gaya.
2. Md. Prince @ Md. Shamsh Tabrez Khan S/o Md. Vahid Khan Resident of Village- Jagdishpur, P.S.- Muffasil, District- Gaya.
3. Md. Nasim S/o Salim @ Md. Lallu Mistry Resident of Village- Jagdishpur, P.S.- Muffasil, District- Gaya.
4. Md. Islam Son of Md. Reyazuddin Resident of Village- Jagdishpur, P.S.- Muffasil, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sidyarth Rai Ramm Son of not known Block Pariyojna Prabandhak, Lock Manpur, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shivendra Prasad
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-07-2022 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated

15.02.2022 passed by the learned Exclusive Special

Judge, SC/ST, Gaya in connection with Muffasil P.S.

Case No. 574 of 2021 instituted for the offences

punishable under Sections 143, 341, 323, 353, 332,

427, 504, 188 of the Indian Penal Code, Section 3 of



the Prevention of Damage to Property Act, Section 136 of the Representation of People Act and Section 3(1)(r) (s) SC & ST (Prevention of Atrocities) Act, whereby their prayer for being released on anticipatory bail has been rejected.

The case of the prosecution in short is that on 29.10.2021 at about 5:20 P.M., all the accused persons came to the block office for nomination and when the police stopped them to enter, they abused the constable Nirmal Chand Paswan by his caste name and damaged the government properties and also damaged the government papers and made assault.

Learned counsel for the appellants seeks permission to withdraw the appeal with regard to appellant No. 4 namely Md. Islam since he has been arrested.

Permission is accorded.

Accordingly, the appeal with regard to appellant No. 4 is permitted to be withdrawn.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 election dispute, the present case has been lodged. From perusal of the F.I.R it appears that 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 15.02.2022 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Muffasil P.S. Case No. 574 of 2021.

Accordingly, this appeal is allowed.

The appellants, above named, except appellant No. 4, 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 Exclusive
Special Judge, SC/ST, Gaya in connection with Muffasil
P.S. Case No. 574 of 2021.

(Sunil Kumar Panwar, J)

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