

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1142 of 2022

Arising Out of PS. Case No.-14 Year-2021 Thana- SC/ST District- Vaishali

1. Md. Ambeya @ Anisul Ambeya Son Of Asiq Salami Resident Of Ward No.- 06, Village - Rampur Dumari, P.S.- Goraul, District - Vaishali, Bihar, Pin - 844122
2. Md. Rahat Ansari @ Md. Rahat Raja Son Of Md. Anisul Mursalin Resident Of Ward No.- 06, Village - Rampur Dumari, P.S.- Goraul, District - Vaishali, Bihar, Pin - 844122
3. Md. Aavid @ Abid Rana Son Of Mohiuddin Rana Resident Of Ward No.- 06, Village - Rampur Dumari, P.S.- Goraul, District - Vaishali, Bihar, Pin - 844122
4. Md. Rabbani @ Gulam Rabbani Son Of Md. Iliyas Ansari Resident Of Ward No.- 06, Village - Rampur Dumari, P.S.- Goraul, District - Vaishali, Bihar, Pin - 844122

... .. Appellant/s

Versus

1. The State of Bihar
2. Pinki Devi wife of Arun Paswan resident of village- Rampur Dumari, P.S. - Goraul (Kathara O.p.) District- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manohar Prasad Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-12-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor.

The present appeal is directed against the order dated
19.01.2022 passed by learned Special Judge, SC/ST Vaishali at
Hajipur in a case registered for the offence punishable under
Sections 341, 323, 354, 379, 504 and 506/34 of the Indian Penal
Code and Sections 3(1)(r)(s)(w) of the SC/ST, Act whereby



anticipatory bail of the appellants have been rejected.

Allegedly, it is a case of assault, abuse and criminal intimidation as well as outraging the modesty of the informant who is a member of the SC/ST community.

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 and now good sense has prevailed between the parties and no grievance has remained.

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 19.01.2022 passed in ABP Case No.2898 of 2021 is hereby set aside.

The appellants 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 Special Judge, Vaishali at Hajipur in connection with SC/ST P.S. case



No. 14 of 2021.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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