

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1148 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- SIDHWALIYA District- Gopalganj

1. HAIDER MIYAN @ HAIDER ALI S/o Rahman Miyan Resident of Village- Dangasi, P.S.- Sidhwaliya, District- Gopalganj.
2. ZAKIR MIYAN Son of Motijan Miyan Resident of Village- Dangasi, P.S.- Sidhwaliya, District- Gopalganj.
3. RAHMAN MIYAN @ ABDUL RAHMAN Son of Motijan Miyan Resident of Village- Dangasi, P.S.- Sidhwaliya, District- Gopalganj.
4. ROJINA KHATOON @ KULSUM KHATOON W/o Late Rahim Miyan Resident of Village- Dangasi, P.S.- Sidhwaliya, District- Gopalganj.
5. SABRINA KHATOON @ SABRUN NESHA W/o Haider Ali Resident of Village- Dangasi, P.S.- Sidhwaliya, District- Gopalganj.
6. HASNAIN MIYAN @ HASNAIN ANSARI S/o Israyal Miyan Resident of Village- Dangasi, P.S.- Sidhwaliya, District- Gopalganj.
7. DAULAT MIYAN S/o Israyal Miyan Resident of Village- Dangasi, P.S.- Sidhwaliya, District- Gopalganj.
8. ALAMGIR MIYAN Son of Nasim Miyan Resident of Village- Dangasi, P.S.- Sidhwaliya, District- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Javed Aslam
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-07-2022 Heard learned counsel for the appellants and learned
Special P.P for the State.

The appellants have challenged the order dated
03.08.2021 passed by the learned 1st Additional District and
Sessions Judge-cum-Special Judge, SC/ST Act, Gopalganj in
connection with Sidhwalia P.S. Case No. 113 of 2021 instituted



for the offences punishable under Sections 147, 149, 323, 324, 353, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s) 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.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case. There is general and omnibus allegation against the appellants. As per F.I.R, the occurrence has not committed in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellants.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 03.08.2021 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Gopalganj in connection with Sidhwalia P.S. Case No. 113 of 2021.

Accordingly, this appeal is allowed.

The appellants, above named 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 his furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of



the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Gopalganj in connection with Sidhwalia P.S. Case No. 113 of 2021.

(Sunil Kumar Panwar, J)

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