

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1726 of 2022

Arising Out of PS. Case No.-370 Year-2021 Thana- BAISI District- Purnia

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1. MD. RAZIQUE @ ABDUL RAZIQUE Son of Late Abdul Khalid Resident of Village - Chakla, P.S. - Baisi, District - Purnea.
 2. Md. Badre Alam @ Badar Alam Son of Late Abdul Khalid Resident of Village - Chakla, P.S. - Baisi, District - Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramkishun Ram Son of Late Hitlal Ram Resident of Village - Bagrora, P.S. - Baisi, District - Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raj Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-07-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present appeal is directed against the order dated 07.02.2022 passed by learned Ist Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Purnea in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (POA) Act and Sections 25(1-b)a and 26 of the Arms Act, whereby anticipatory bail of the appellants have been rejected.

It is a case of assaulting upon the informant causing injury to him and also one country made pistol was recovered from the co-accused Tahsib.

It is submitted by learned counsel for the appellants



that the place of occurrence is the field of the appellants and it is also submitted that the appellants have not committed any offence, as alleged, to outrage the modesty and insult to the informant being a member of the SC/ST community, as such, the provision of SC/ST Act is not attracted in this case.

Learned counsel for the 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 Court is inclined to allow this appeal. Accordingly, the instant appeal is allowed and the impugned order dated 07.02.2022 passed in ABP No.03 of 2022 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 Ist Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Purnea in connection with Baisi P.S. Case No. 370 of 2021.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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