

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2030 of 2022**

Arising Out of PS. Case No.-106 Year-2022 Thana- BELAGANJ District- Gaya

ABUL KHAIR son of Islam Mian Resident of Village- Ujji, P.s.- Belaganj,
District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Indramani devi wife of Ganesh Manjhi resident of village- Ujje, P.O.-
Samaspur Panchayat Bhalua, P.S.- Belaganj, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 21-12-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Though the notice was validly served upon
respondent no.2 and *vakalatnama* is also filed on behalf of the
respondent no.2 but nobody appeared on his behalf.

The present memo of appeal has been filed on behalf
of the appellant for grant of anticipatory bail against the order
dated 16.04.2022 passed by learned Exclusive Special Judge
SC/ST, Gaya in connection with Belaganj P.S. Case No.
106/2022 under Sections 341, 323, 354, 379, 504 and 34 of the
Indian Penal Code and Section 3(i)(v-a) of the SC/ST Act,
whereby the prayer for anticipatory bail of the applicant was



rejected.

As per the prosecution case, accused Saba Alam and Ahsraf Miyan had caught the informant and started outraging modesty and pulling her and commented her to be very beautiful. It is also alleged that they have pushed her on the ground due to that she became semi-naked and she started making noise on which her family members came and accused persons also have assaulted them and after that they fled away.

It is submitted on behalf of the appellant there is general and omnibus allegation. No specific overt act has been alleged against this appellant. No case under SC/ST Act is made out, as there is no allegation of abuse by caste name. There is specific overt act against the co-accused Saba Alam Miyan and Ashraf Miyan. Appellant has got clean antecedent.

Learned SPP for the State opposes the prayer for bail.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 16.04.2022 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya is set aside.

Let the appellant above-named, in the event of his arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.



25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Special Judge SC/ST, Gaya in connection with Belaganj P.S. Case No. 106/2022.

(Anjani Kumar Sharan, J)

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