

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4102 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- NAWADA MUFFASIL District- Nawada

Md. Neyaz Ansari @ Neyaz Ansari S/O Md. Jibrail R/O Village-Alagdeshi,
P.S-Raj Dhanwar, District-Giridih, Jharkhand.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Prawesh Kumar
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-06-2022 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated 22.07.2021 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Nawadah in connection with Muffasil P.S. Case No. 127 of 2021 instituted for the offences punishable under Sections 341, 353, 188, 504, 506, 34 of the Indian Penal Code and Section 3(1)(r)(s) of the SC & ST (Prevention of Atrocities) Act, 1989 and Section 3 of the Epidemic Disease Act, 1987, whereby his prayer for being released on anticipatory bail has been rejected.



It is alleged that the informant was on duty along with other police official and checking the vehicle. The informant gave a signal to one motorcycle but the motorcycle rider succeeded to flee away. When the informant searched the witnesses then the owner of under constructed house namely Niranjn Singh, his brother Rajeev Singh and Prince Kumar abused the informant by calling his caste name and gave a threatening.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. The appellant is owner of the vehicle in question. The appellant has not been arrested from the spot nor anything has been recovered from the possession of the appellant. The occurrence has occurred in spur of the moment and the appellant had no knowledge about the caste of the informant. The offence has not been committed in public view, hence, the provision of the SC/ST Act would not be applicable in the



case of the appellant. A statement has been made in para 3 of the petition that appellant has no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 22.07.2021 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Nawadah.

Accordingly, this appeal is allowed.

The appellant, above named is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, Nawadah in connection with Muffasil P.S. Case No. 127 of 2021.

(Sunil Kumar Panwar, J)

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