

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4111 of 2021

Arising Out of PS. Case No.-26 Year-2021 Thana- SC/ST District- Purnia

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ZUBAIR ANSARI @ MD. ZUBAIR AHMAD ANSARI Son of late Habibur Rahman Resident of Village - Kharhia, P.S.- Amour, Distt.- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-06-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present appeal is directed against the order dated 07.09.2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Purnea in a case registered for the offence punishable under Sections 341, 323, 379, 354, 406, 420, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(r)(s), w(i)/3(2)(va) of the SC and ST (POA) Act, whereby anticipatory bail of the appellant has been rejected.

It is a case of assaulting and abusing as well as outraging the modesty of the informant being a member of the SC/ST community on the issue of non-execution of the sale deed and mutation in favour of the informant by the appellant.

It is submitted by learned counsel for the appellant



that due to non-mutation of the land in respect of the informant which was purchased by him from the father of the appellant. It is submitted that as alleged the incident took place on 12.01.2020 but the FIR was lodged on 30.03.2021 and the complaint was made before the concerned Court on 22.02.2021.

Learned Special Public Prosecutor has vehemently opposed the prayer for anticipatory bail.

Having heard learned counsel for the parties, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 07.09.2021 passed in A.B.P. No. 84 of 2021 is hereby set aside.

The appellant is directed to be enlarged on anticipatory bail in the event of his arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Purnea in connection with SC/ST P.S. Case No. 26 of 2021.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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