

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4182 of 2022

Arising Out of PS. Case No.-290 Year-2022 Thana- MASHRAK District- Saran

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Akbar Ali @ Akbar Mian S/O Md. Ajim Resident Of Village- Karn Kudaria,
P.O.- Dumarsan Bangra P.S.- Masrak, District- Saran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Diwakar Prasad Singh
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-12-2022 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated 09.11.2022 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Masrak P.S. Case No. 290 of 2022 instituted for the offences punishable under Sections 341, 323, 324, 504, 506 of the Indian Penal Code and Sections 3(1)(r), 3(2)(va) of the SC & ST (Prevention of Atrocities) Act, whereby his 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 appellant that appellant has falsely been implicated in this case. There is general and omnibus allegation against the appellant. The specific accusation is against co-accused Nijamuddin and Israful. As per F.I.R, the occurrence did not take place in public view. Hence, the provisions under 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 09.11.2022 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Masrak P.S. Case No. 290 of 2022.

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 his
furnishing bail bonds of Rs. 10,000/-(ten thousand) with
two sureties of the like amount each to the satisfaction
of learned 3rd Additional Sessions Judge-cum-Special
Judge, SC/ST Act, Saran in connection with Masrak P.S.
Case No. 290 of 2022.

(Sunil Kumar Panwar, J)

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