

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.325 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- SC/ST District- Gaya

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1. Bashiruddin Ansari @ Md. Basiruddin Son Of Late Hanif Ansari @ Md. Hanif Resident Of Village- Ansarganj, P.S.- Sherghati, District- Gaya
 2. Manjur Alam @ Md. Manjoor Alam Son Of Late Mohiuddin @ Mohiuddin Sahab Resident Of Village- Ansarganj, P.S.- Sherghati, District- Gaya
 3. Zakir Ansari @ Md. Zakir Hussain @ Md. Zakir Hussain Ansari Son Of Bashiruddin Ansari @ Md. Basiruddin Resident Of Village- Ansarganj, P.S.- Sherghati, District- Gaya
 4. Fazlu Ramhan @ Fajlul Rehman Ansari Son Of Late Md. Shafique Resident Of Village- Ansarganj, P.S.- Sherghati, District- Gaya **Appellants**

Versus

1. The State of Bihar
2. Shiv Nandan Bhuiya Son of Late Sichar Bhuiya Resident of Village- Bartola, Kubri, P.S.- Sherghati, District- Gaya **Respondents**

Appearance :

For the Appellant/s : Mr.Radha Mohan Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-03-2023 Heard learned counsel for the appellants, the State and respondent no.2.

The present appeal is directed against order dated 8.12.2022 passed by learned Exclusive Judge, SC/ST Act, Gaya in a case registered for the offence punishable under Sections 147,341,323,307,504,354 and 506 of the Indian Penal Code and Section 3 (i) (r) (s)(w) of the SC/ST Act as, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, these appellants along with other accused persons named in the complaint, abused by caste name and also assaulted the complainant. It is further alleged that in order to grab land, they set the house of the complainant on fire.



Learned counsel for the appellants submits that there is general and omnibus allegation against the accused persons and no specific overt act has been alleged against these appellants. It is further submitted that respondent no.2 himself has grabbed land of the appellants for which section 144 Cr.P.C. proceedings was also initiated against him and to put pressure upon them, he has lodged the instant case. It is further submitted that the provisions of the SC/ST Act is not attracted against the appellants because the incident took place at the house of the complainant and not within the public view. Appellants claim clean antecedent.

Learned counsel for the state as well as respondent no.2 oppose the prayer for bail.

Having regard to the submissions made by the parties and the nature of dispute, this appeal is allowed and the impugned order dated 8.12.2022 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge SC/ST, Gaya in SC/ST Police Station



Case No. 47 of 2022.

(Prabhat Kumar Singh, J)

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