

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.363 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- AGAMKUAN District- Patna

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Mumtaj Ansari @ M Ansari @ Md. Mumtaz Ansari S/o Safruddin Ansari R/o
22 South Road, Near Baitul Karim Masjid, Isa Nagar, Naya Tola, P.s.-
Phulwari Sharif, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Basant Chaudhary Village Audha P.S. Gadarva District Saran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Amit Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-06-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 22.09.2021 passed by learned Additional District & Sessions Judge 3rd-cum-Special Judge (SC/ST Act), Patna in connection with Agamkuan P.S. Case No. 299 of 2021 under Sections 341, 323, 504, 506/34 of the Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

Prosecution case in brief is that on the alleged date



and time of occurrence, this petitioner who is working as security guard in the said said lab demanded meal. Since there is no order from the company to provide meal to security guard. Informant started abusing the informant by his caste name and also assaulted him.

It is submitted on behalf of the appellants that due to petty dispute the altercation took place between the parties for which this false and concocted case has been lodged. there is general and omnibus allegation. No specific overt act has been alleged against these appellants. It is not the case of informant that at the time of occurrence any member of public was present, therefore, no case under SC/ST Act is made out. There is delay of two days in lodging of the FIR. Appellant has got clean antecedent.

Counsel for the informant however vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 22.09.2021 passed by learned Additional District & Sessions Judge 3rd -cum-Special Judge (SC/ST Act), Patna is set aside.

Let the appellant above-named, in the event of his arrest/surrender before the court below within a period of six



weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Patna in connection with Agamkuan P.S. Case No. 299 of 2021.

(Prabhat Kumar Singh, J)

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