

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1157 of 2023

Arising Out of PS. Case No.-361 Year-2022 Thana- CHANDAUTI District- Gaya

1. Kyub Ansari @ Md. Qayum @ Md. Feku @ Feku Miyan Son Of Late Buyan Miyan @ Late Budhan Miyan R/O Village- Sherpur, P.O.- Chattubag, P.S.- Chandauti, District- Gaya
2. Kallu Ansari @ Rustam Ansari Son Of Kyub Ansari @ Md. Feku @ Feku Miyan R/O Village- Sherpur, P.O.- Chattubag, P.S.- Chandauti, District- Gaya
3. Md. Mustkim Son Of Kyub Ansari @ Md. Feku @ Feku Miyan R/O Village- Sherpur, P.O.- Chattubag, P.S.- Chandauti, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Gayatri Devi Wife Of Ramanuj Sapera R/O Village- Sherpur, P.O.- Chattubag, P.S.- Chandauti, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jai Prakash Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-05-2023 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated 31.01.2023 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Chandauti P.S. Case No. 361 of 2022 instituted for the offences punishable under Sections 341, 323, 379, 504/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the



SC/ST Act whereby his prayer for being released on bail has been rejected.

It is a case of assaulting to the informant's side and abusing by calling caste name.

It is submitted by learned counsel for the appellants that appellants are innocent and they have falsely been implicated in this case. The appellants are neighbours of the informant and in the background of previous land dispute, the accusation has been levelled against the appellants. There is general and omnibus allegation against the appellants. There is no injury report on record. As per F.I.R, the occurrence did not take place in public view. The appellants are in custody since 16.01.2023. A statement has been made in para 3 of the petition that appellants have clean antecedent.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellants.

Taking into account the aforesaid facts, this



Court deems it appropriate to set aside the order dated
31.01.2023.

Accordingly, this appeal is allowed.

The appellants, above named, are directed to
be released on bail on furnishing bail bonds of Rs.
10,000/-(ten thousand) each with two sureties of the
like amount each to the satisfaction of learned Exclusive
Special Judge, SC/ST Act, Gaya in connection with
Chandauti P.S. Case No. 361 of 2022.

(Sunil Kumar Panwar, J)

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