

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2027 of 2023

Arising Out of PS. Case No.-134 Year-2021 Thana- BARACHATTI District- Gaya

-
-
1. MD. AFSAR RAZA @ AFSAR S/O MD. ASHARAF QURAISHI @ ASRAF KURAIISHEE R/O Village- Bajarkar, P.O- Sarwan Bazar, P.S- Barachatti, Sarwan Khas, Gaya, Distt.- Gaya, Bihar-824201
 2. Anzar Raza @ Anzar S/O Md. Asharaf Quraishi @ Asraf Kuraishee R/O Village- Bajarkar, P.O- Sarwan Bazar, P.S- Barachatti, Sarwan Khas, Gaya, Distt.- Gaya, Bihar-824201

... .. Appellants

Versus

1. The State of Bihar
2. Rajesh Kumar S/O Shri Lakhan Paswan R/O Village- Baarah Mothiya, P.S- Dobhi, Distt.- Gaya (Bihar)

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Shakib Ayaz, Advocate
For the State	:	Usha Kumari 1, Spl. Public Prosecutor
for respondent no.2	:	Mr. BK Sinha, A. Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-09-2023 Heard learned counsel for the appellants, the State and respondent no.2.

2. This appeal has been filed for setting aside order dated 24.3.2023, passed in a case registered for the offence punishable under sections 379, 427, 504 and other ancillary sections of the Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, on the alleged date and time of the occurrence, all the FIR named accused persons



including these appellants on the point of pistol, robbed money of the informant/ respondent no.2 and also abused him by caste name.

4. Learned counsel appearing for the appellants submits that the appellants have falsely been implicated in this case due to village politics. F.I.R. has been lodged after two days of the alleged occurrence without any explanation which renders the entire prosecution case doubtful.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail. They submit that these appellants are named in the FIR with specific allegation that these appellants and other accused persons on the point of pistol, robbed money of the informant/ respondent no.2. appellant no.1 has got four criminal antecedent and appellant no.2 has got six criminal antecedent.

6. Considering the nature of accusation and the criminal antecedent of these appellants, I do not find any ground to interfere with the impugned order. Accordingly, this appeal, seeking pre-arrest of the appellants, is dismissed.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

