

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2065 of 2023

Arising Out of PS. Case No.-170 Year-2022 Thana- GOPALPUR District- Gopalganj

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1. IMAMUDDIN ANSARI SON OF ROJADDIN ANSARI RESIDENT OF VILLAGE SAREYA KHURD ,P.S TAMKUHI RAJ, DISTRICT KUSHINAGAR, UTTAR PRADESH
 2. SADDAM ANSARI SON OF ROJADDIN ANSARI RESIDENT OF VILLAGE SAREYA KHURD ,P.S TAMKUHI RAJ, DISTRICT KUSHINAGAR, UTTAR PRADESH

... .. Appellant/s

Versus

1. The State of Bihar
2. RAMU BAITHA SON OF SANEJAR BAITHA RESIDENT OF VILLAGE- SUKHDEO PATTI , PS- GOPALPUR DISTT- GOPALGANJ

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar Singh, Advocate v

For the Respondent/s : Mrs. Usha Kumari 1, Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-09-2023 Despite valid service of notice no one appears on behalf of the respondent No. 2.

Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 28.02.2023 passed in a case registered for the offence punishable under sections 447, 323, 324, 325 , 308 , 379 and 34 of the Indian Penal Code and sections 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 has been rejected.



3. On the alleged date and time of the occurrence , all the F.I.R named accused persons including these appellants armed with lathi, danda abused the informant by caste name and on protest they assaulted the informant and other family members in which they sustained injuries. It is further alleged that they also took golden chain from them.

4. It is submitted that allegation of assault is general and omnibus against these appellants. Case and counter case. Doctor has found simple injury . F.I.R has been lodged after the delay of six days for which there is no plausible explanation which itself creates doubt over the veracity of the entire prosecution . Insult caused to the informant is not is not based upon caste , as such, no case under SC/ST Act is made out. Rest of the allegation is ornamental in nature . Appellants claim clean antecedent.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight 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 Additional District and Sessions
Judge III Cum Special Judge, SC/St, Gopalganj in connection
with Gopalpur Police Station Case No. 170 of 2022 .

(Prabhat Kumar Singh, J)

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