

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.678 of 2021

Arising Out of PS. Case No.-500 Year-2020 Thana- SHERGHATI District- Gaya

1. SHAHBAJ HASSAN KHAN @ BABUA KHAN Son of Ali Hassan Khan R/o Village- Angra, P.O. and P.S.- Dobhi, Distt- Gaya, Bihar-824201
2. SHAHNAWAZ HASSAN KHAN @ SANJU KHAN S/o Ali Hassan Khan R/o Village- Angra, P.O. and P.S.- Dobhi, Distt- Gaya, Bihar- 824201.
3. SHARIQUE KHAN Son of Ali Hassan Khan R/o Village- Angra, P.O. and P.S.- Dobhi, Distt- Gaya, Bihar-824201

... .. Appellant/s

Versus

1. The State of Bihar
2. Mungeshwar Manjhi Dukhi Manjhi Village-Antra,P.S-Dobhi,District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashutosh Singh
For the Respondent/s : Mr. Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-03-2023 Heard learned counsel appearing on behalf of appellants and Spl.P.P.

This criminal appeal has been filed against the order dated 04.11.2020 passed by learned Exclusive Special Judge SC/ST (POA) Act, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 500 of 2020, registered under Sections 341, 323, 504, 506, 427/34 of the Indian Penal Code and Sections 3(1)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

As per prosecution case, while the informant was



sitting at the door of his house these appellants came and demanded 5 kilos of fish and on refusing the same, all the accused persons along with 8-10 unknown persons abused and assaulted him and his daughters-in-law with *lathi* and *danda* and damaged the roof tiles of the house of the informant.

It is submitted on behalf of appellants that the appellants are quite innocent. Allegation is general and omnibus and no specific overt has been alleged against these appellants. Present F.I.R. is an outcome of Bihar Assembly Election 2020, lodged due to difference occurred among the villagers. Furthermore, the alleged occurrence has taken place at the informant's house and not within the public view and as such, no offence is made under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned Special Public Prosecutor for the State vehemently opposes the prayer for anticipatory bail of the appellants.

Considering the facts and circumstances of the case, impugned order dated 04.11.2020 passed by learned Exclusive Special Judge SC/ST (POA) Act, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 500 of 2020 is set aside.

Let the appellants, as named above, in the event of



their arrest/surrender within a period of six weeks from today, be enlarged 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 Sherghati (Dobhi) P.S. Case No. 500 of 2020.

Accordingly, the impugned order, is set aside and the criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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