

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.652 of 2021

Arising Out of PS. Case No.-259 Year-2020 Thana- BARH District- Patna

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1. MD. GOLU @ MD. SHAHBAZ Son of Late Bhavaru Sah Resident of Village - Akbarpur, P.S.- Barh, District - Patna.
 2. Md. Zahid Son of Md. Shahid Resident of Village - Akbarpur, P.S.- Barh, District - Patna.
 3. Md. Shahid Son of Md. Abdul Sah Resident of Village - Akbarpur, P.S.- Barh, District - Patna.

... .. Appellants

Versus

1. The State of Bihar
2. Jitendra Kumar Son of Shri Rajendra Das Resident of Village - Akbarpur, P.S.- Barh, District - Patna.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. DK Sinha, Senior Advocate with Mr. Abhinay Raj, Advocate
For the State for respondent no.2	:	Mr. Spl. Public Prosecutor Mr. Ramshankar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 29-03-2023 Heard learned counsel for the parties.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 4.11.2020 passed by the Additional Sessions Judge III cum Special Judge, SC/ST Act, Patna in a case registered for the offence punishable under Sections 147, 148, 1323, 324, 307, 448, 354 379/504 of the Indian Penal Code and section 3(i)(r) (s), 3(2)(v-A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of these appellants was rejected.

As per the prosecution case, all the FIR named accused persons including these appellants, armed with sword, knife and lathi, forcibly entered into informant's house and when his mother and wife protested, these accused persons



abused by caste name and assaulted them. It is further alleged that when they were being taken to the hospital for treatment, the accused persons assaulted the father and the brother of the informant causing them injuries.

It is submitted on behalf of the appellants that from perusal of the FIR itself it appears that the incident took place in the house of the informant and in the second part of the occurrence, no member of the public was present at the time of the incident, as such, no case under SC/ST Act is made out. Moreover, no such injuries have been found on the body of the informant and his family members as alleged in the FIR. Appellants have got no criminal antecedent.

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

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 4.11.2020 is set aside.

Let these appellants above-named, in the event of their arrest/surrender before the court below 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 Additional Sessions Judge III cum Special Judge, SC/ST Act, Patna in Barh Police Station Case No. 259 of 2020.

(Prabhat Kumar Singh, J)

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