

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3563 of 2022**

Arising Out of PS. Case No.-315 Year-2020 Thana- PALASI District- Araria

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1. Md. Hannan @ Hannan Son of Late Abbas R/V- Kujri, P.S- Palasi, Dist- Arari
 2. Muntazir @ Md. Muntazir Alam Son of Md. Hannan @ Hannan R/V- Kujri, P.S- Palasi, Dist- Araria
 3. Md. Mahfooz @ Md. Mahfooz Alam Son of Haji Abbas R/V- Kujri, P.S- Palasi, Dist- Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar Singh Son of Late Raj Ballav Singh A.S.I. of Palasi P.S aged 41 years son of late Raj Ballav Singh, R/V- Gangoi, P.S- Isawapur, Dist- Chapra (Saran)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ramesh Kumar Singh
For the Respondent/s : Ms.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 29-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 11.05.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Palasi P.S. Case No. 315 of 2020 under Sections 147, 148, 149, 150, 151, 188, 353, 341, 323, 324, 325, 307, 504 and 506 of the Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.



As per the prosecution case, on secret information that one Jugnu who is accused of Palasi PS Case No. 165 of 2020 is wandering in Kujari Hatiya, thereafter, the informant with the other police officials caught him from the house of Md. Kurban. Thereafter, the accused persons having armed with lathi, danda, bhala, Garasa, Farsa and bottles came there and started assaulting the members of police raiding force and got released the apprehended accused person from the custody of police.

It is submitted on behalf of the appellants there is general and omnibus allegation. No specific overt act has been alleged against these appellants. No case under SC/ST Act is made out, as there is no allegation of abuse by caste name.

Counsel for State vehemently opposed the prayer for bail and submitted that appellants have got criminal antecedents that there is direct allegation against the appellants that they created obstruction in discharge of official duty of the police officials.

Considering the aforesaid facts, this criminal appeal is accordingly dismissed.

(Prabhat Kumar Singh, J)

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