

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.131 of 2023

Arising Out of PS. Case No.-1076 Year-2022 Thana- PHULWARISHARIF District- Patna

1. SABA KHAN Daughter of Md. Samim Khan Resident of Isopur Rai Chak Phulwari Sharif, Police Station - Phulwari Sharif, District - Patna.
2. Mosarrat Khatoon Wife of Md. Samim Khan Resident of Isopur Rai Chak Phulwari Sharif, Police Station - Phulwari Sharif, District - Patna.
3. Md. Sameer Khan @ Md. Sameer Son of Md. Samim Khan Resident of Isopur Rai Chak Phulwari Sharif, Police Station - Phulwari Sharif, District - Patna.
4. Md. Jubair Alam Son of Md. Harun Shah Resident of Baghiya Mohalla, Phulwari Sharif, Police Station - Phulwari Sharif, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Avinahs Rajak son of Srikant Prasad resident of Isapur, P.S.- Phulwarisharif, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Neerad Parashar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 02-08-2023 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 03.11.2022, passed in a case registered for the offence punishable under sections 341, 323, 337, 378, 504, 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant



has been rejected.

3. As per F.I.R, on 04.09.2022, these appellants along with other co-accused persons assaulted the younger brother of the informant. It is further alleged that when the informant came to know about this fact he went to the house of the accused persons, all the accused persons abused him by caste name and assaulted him with brick, as a result of which he sustained head injury.

4. It is submitted that the present case is lodged by the informant to put pressure to compromise the counter case filed by the Petitioner No. 1 (Sabha Khan) vide Phulwarisharif P.S. Case No. 1075 of 2022. F.I.R does not reveal that any member of public was present on the place of occurrence, as such, no case under SC/ST Act is made out. Rest of the allegations are 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 appellant, 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 Special Judge, SC/St, Patna, in connection with Phulwarisharif Police Station Case No. 1076 of 2022.

(Prabhat Kumar Singh, J)

Kaushik/-

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

