

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.266 of 2024

Arising Out of PS. Case No.-422 Year-2023 Thana- BASANTPUR District- Siwan

1. Md. Ajhruddin @ Azharuddin Miya @ Azruddin Miyan @ Md. Azruddin Son Of Mohammad Merajudin @ Merajuddin Miyan R/O Village- Molanapur, P.S.- Basantpur, Dist.- Siwan
2. Tajuddin @ Tajuddin Miyan @ Moh. Tajuddin Son Of Late Mohammad Ismail @ Ismail Miyan R/O Village- Molanapur, P.S.- Basantpur, Dist.- Siwan
3. Reyaz Alam @ Md. Reyaz Son Of Mainuddin Miya R/O Village- Molanapur, P.S.- Basantpur, Dist.- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahesh Manjhi Son Of Late Teju Manjhi R/O Village- Dhanaauwa, P.S.- Basantpur, Dist.- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Javed Aslam, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P. Mr. Ashok Kumar Varma, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-09-2024 Heard learned counsel for the appellants, learned

Spl. Public Prosecutor appearing on behalf of the State and

learned counsel for the Respondent No. 2.

2. This appeal has been filed against the order dated

15.12.2023 passed by learned Additional District and Sessions

Judge-I-cum-Special Judge, Siwan in connection with A.B.P.

No. 2578 of 2023 arising out of Basantpur P.S. Case No. 422 of

2023, registered under Sections 147, 148, 143, 341, 323, 308,

379, 454, 504, 506/34 of the Indian Penal Code and Sections



3(i)(r)(s)(w) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on the alleged date and time of occurrence, all the F.I.R. named accused persons including these appellants having deadly weapons came at cremated land and abused informant by caste name and assaulted him. It is further alleged that the accused persons misbehaved with female members of informant and also tried to set the house of informant on fire.

4. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case due to enmity and land dispute. It is further submitted that the present case is counter blast of Basantpur P.S. Case No. 423 of 2023 which was lodged by co-accused Mohammad Mainuddin against informant and others. Allegation against the appellants is general and omnibus. It is not the case of the prosecution that any member of public was present at the time of incidence, hence no case under SC/ST Act is made out. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 oppose the bail



application and submit that appellants are named in the First Information Report and there is specific allegation of assault and abuse against these appellants.

6. Considering the aforesaid facts and other circumstances of the case, let the appellants, as named above, in the event of their arrest/surrender within a period of eight 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 Additional District and Sessions Judge-I-cum-Special Judge, Siwan in connection with A.B.P. No. 2578 of 2023 arising out of Basantpur P.S. Case No. 422 of 2023.

7. Accordingly, the impugned order dated 15.12.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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