

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1948 of 2023

Arising Out of PS. Case No.-1261 Year-2022 Thana- FORBESGANJ District- Araria

MD. NAUSHAD @ MD. NAUSHAD RAY S/o Najamuddin @ Nejamudin
Ray Resident of village-Kutaili, Bhatgama, W. No. 4, P.S.-Forbesganj,
District-Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. SUNIL MARANDI S/o Late Baneshwar Marandi R/o village-Rangdaha, W.
No. 2, Balwahi Tola, P.S.-Forbesganj, District-Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nafisuzzoha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-08-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 21.02.2023 passed in a case registered for the offence punishable under sections 341, 323, 324, 448 , 452, 379, 354 B, 385 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant 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 this appellant broke the door of the house of the informant and took out twenty thousand cash. It is further alleged that accused persons also outraged the modesty of one Saili Murmur and when informant came to rescue , co-accused Ansul assaulted him by means of Sword.

4. It is submitted on behalf of appellant that specific accusation of assault is against other co-accused persons. So far as this petitioner is concerned, there is general and omnibus allegation alleged against him. There is no allegation of abuse by caste name , as such, no case under SC/ST Act is made out. Rest of the allegations are super addition to make the case grave .

5 . Counsel for the respondent No. 2 opposed 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) with two sureties of the like amount



each to the satisfaction of the learned Additional Sessions Judge
- cum - Special Judge, Araria in connection with Forbesganj
Police Station Case No. 1261 of 2022 .

(Prabhat Kumar Singh, J)

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