

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1991 of 2024

Arising Out of PS. Case No.-76 Year-2023 Thana- AANDAR District- Siwan

Md. Basruddin Son Of Noor Mohammad Resident Of Village - Fazilpur, P.S. -
Hussainganj, District - Siwan

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sheonath Ram Son Of Late Khedan Ram Resident Of Village - Gadar, P.S. -
Andar, District - Siwan, Pin No. 841237

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramchandra Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-09-2024 Heard learned counsel for the appellant and the State.

2. This criminal appeal has been filed against the order dated 08.12.2023 passed by learned Additional District and Sessions Judge 1st-cum-Special Judge, Siwan in ABP No. 2264 of 2023 in connection with Ander P.S. Case No. 76 of 2023, instituted under Sections 406, 420, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per prosecution case, on the alleged date and time of occurrence, at the house of Ex-Mukhiya, this appellant abused informant by caste name and threatened him with dire



consequences.

4. Learned counsel for the appellant submits that appellant is a hardware shopkeeper and has supplied materials to Ander village ward No. 6 for Nal Jal Scheme. He next submits that informant wants commission in the purchased amount from appellant and when he denied the same, informant lodged this false and concocted case against appellant in retaliation. Allegation of assault is general and omnibus. F.I.R. does not disclose presence of any member of public when the incident occurred, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State opposed the bail application.

6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st-cum-Special Judge, Siwan in connection with Ander P.S. Case No. 76 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 08.12.2023 is set aside with respect to



this appellant only.

(Prabhat Kumar Singh, J)

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