

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3473 of 2023

Arising Out of PS. Case No.-394 Year-2017 Thana- GAYA MUFASIL District- Gaya

MD. NANHE @ NANHE @ MD. SHAHANVAJ @ SHAHNAWAZ son of
Md. Fahim Village- Bhadeja Ps- Muffasil Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rahish Kumar son of Mundrika Chaudhary Village- Bhadeja Ps- Muffasil Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 31-01-2024 **Re:- I.A. No.2 of 2024**

2. This interlocutory application has been filed for
condoning the delay of 16 days in filing of this appeal.

3. Considering, the grounds taken in the interlocutory
application, the delay in filing of this appeal is hereby
condoned.

4. Accordingly, I.A. No.2/2024 is hereby allowed and
disposed of.

Re:- Cr. APP (SJ) No.3473 of 2023

5. Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

6. In compliance of the order dated 20.09.2023, learned



Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/her behalf.

7. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 13.04.2023 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Muffasil P.S. Case No.394 of 2017, registered under Sections 147, 148, 149, 341, 323, 504, 153(A), 379 of the Indian Penal Code and Section 3(i) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

8. There is allegation against the appellant of abusing the informant, addressing him as Hindu.

9. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. He further submits that similarly situated co-accused has



been granted anticipatory bail by co-ordinate Bench of this Court (Annexure-2 series). Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

10. Learned Spl. PP for the State opposed the prayer for bail.

11. In the facts and circumstances of the case as there is general and omnibus allegation against the appellant, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Muffasil P.S. Case No.394 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

12. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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