

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4620 of 2023

Arising Out of PS. Case No.-398 Year-2023 Thana- BHORE District- Gopalganj

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1. Ful Mohammad Ansari @ Ful Mohamad Son Of Abdul Miya Village- Koreya Ps- Bhore Dist- Gopalganj
 2. Jainuddin Ansari @ Jainudin Ansari Son Of Ful Mohammad Ansari Village- Koreya Ps- Bhore Dist- Gopalganj
 3. Ajmuddin Ansari @ Azmudin Son Of Ful Mohammad Ansari Village- Koreya Ps- Bhore Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Sarmawati Devi wife of Dhabu Gond Village- Koreya Ps- Bhore Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dewanand Tiwari

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 24.08.2023 passed by learned Additional Sessions Judge-XI-cum- Exclusive Special Judge (SC/ST Act), Gopalganj whereby the prayer for bail of the appellant in connection with Bhore P.S. Case no. 398 of 2023 under Section 341, 323, 324, 307, 379, 504, 34 of the Indian Penal Code, sections 3(i)(r)(s), 3(2)(v) of SC/ST Act was rejected.

3. According to prosecution case, the informant



alleged that the appellants and co-accused persons due to drainage dispute came and started abusing and assaulting her and her family members. It is further alleged that during occurrence they also snatched away cash, Rs. 1000/- and other golden ornament.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. The appellants have not committed any offence rather they have been made accused in this case due to previous dispute. There is case and counter case between the parties and both parties have sustained injuries as alleged in separate occurrence. The appellants have not abused the informant in public view so no offence is made out under the provisions of the SC/ST Act against them. As per Injury Report, which is annexed as Annexure-2, injuries sustained by the injured are simple in nature. It is also submitted that the appellants have got no criminal antecedent. Moreover, they are languishing in judicial custody since 13.08.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and considering the aforesaid facts and circumstance of the case, the



Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 24.08.2023 passed in Bhore P.S. Case no. 398 of 2023 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with Bhore P.S. Case no. 398 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI-cum- Exclusive Special Judge (SC/ST Act), Gopalganj.

(Sunil Kumar Panwar, J)

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