

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4810 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- KHANPURA District- Samastipur

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1. MD. MEHTAB S/O ISRAIL @ MD. ISRAIL VILLAGE- SHAHPUR, P.O. BHOREJAIRAM, PS. KHANPUR, DIST. SAMASTIPUR
 2. MD. MONU S/O ILYAS @ MD. ILYAS VILLAGE- SHAHPUR, P.O. BHOREJAIRAM, PS. KHANPUR, DIST. SAMASTIPUR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RAJU KUMAR PASWAN S/O LATE ASHOK PASWAN VILLAGE- KHAIRI, P.O.- ELMASNAGAR, PS. KHANPUR, DIST. SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-05-2024 At the outset, learned counsel for the appellants seeks permission to withdraw the present appeal with respect to appellant No. 2.

2. Permission is accorded.

3 . The present appeal of appellant No. 2 is dismissed as withdrawn .

4. Heard learned counsel for the appellant No. 1 and the Spl. PP for the State .

5 . This appeal has been filed for setting aside order



dated 18.08.2023 , passed in a case registered for the offence punishable under sections 341, 323, 379, 427, 504 and 34 of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

6. The prosecution case, in brief, is that on May 24, 2023, at about 10:00 p.m., the informant was going along with the marriage procession for his marriage at the house of Ranjit Paswan, and when he reached Bandh, the petitioner, along with other co-accused persons, stopped the D.J., abused the informant by caste name, assaulted a member of the marriage procession, named Manoj Kumar, and snatched his mobile phone and Rs. 5,000 cash .

7. Learned counsel for the appellant No. 1 that as a matter of fact, the informant damaged the house of the appellant by the tractor for which dispute arose between the parties and taking advantage of the situation , this false and concocted case has been lodged against this appellant. Allegation is general and omnibus. It is not the case of the prosecution that any member of the public was present at the time of incidence , and as such, no case under SC/ST Act is made out.

8 . Learned Special Public Prosecutor for the State



oppose the prayer for bail.

9. Considering the aforesaid facts, this appeal is allowed with respect to appellant No. 1 only and the impugned order is set aside. Let the appellant No. 1, 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 Special Judge, SC/StAct , Samastipur, District-Samastipur in connection with Khanpur SC/ST Police Station Case No. 131 of 2023 .

(Prabhat Kumar Singh, J)

Koushik/Ankit-

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