

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4926 of 2023

Arising Out of PS. Case No.-199 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

NOORULLAH Son of Late Mohammad Mustafa Resident of Village-
Inderwa Abdullah, P.S.- Town Thana, District- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Kumar Rajak Son of Raj Kumar Baitha Resident of Rampur Daud,
P.S.- Kuchaikote, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant	:	Md. Obaidullah, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	Mr. Devashish Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-06-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 15.07.2023 passed in a case registered for the offence punishable under sections 341, 323, 406, 504 and 34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per prosecution case, allegation against this appellant is that he assaulted the informant when the informant demanded back Rs. 50,000/-, which was given to this appellant for sending him foreign along with passport.



4. It is submitted by learned counsel appearing on behalf of the appellant that there is land dispute between Shami Ahmad and Kamrullah Ansari and others, and Kamrullah Ansari is trying to grab the land of Shami Ansari, for which a proceeding under Section 144 Cr.P.C. vide Case No. 390 of 2023 is going on and a proceeding under Section 107 Cr.P.C. vide Case No. 9 of 2023 has also been constituted and a title suite bearing Title Suit No. 296 of 2023 has also been filed. It is next submitted that this appellant has absolutely no connection with the other appellants and he has been made an accused in this case only because he happens to be friend of Shami Ansari and native of the same village. It is not the case of the prosecution that any member of the public was present at the time of occurrence, and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. It is further submitted that the allegation of assault is general and omnibus.

5. Learned Spl. P.P. for the State and learned counsel appearing for Respondent No. 2 have opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated



15.07.2023 passed by the learned Additional Sessions Judge-III-cum-SC/ST, Special Court, Gopalganj, in A.B.P. No. 1315 of 2023 arising out of Kuchaikote P.S. Case No. 199 of 2023 is hereby set aside with respect to this appellant only.

7. Accordingly, 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-III-cum-SC/ST, Special Court, Gopalganj, in A.B.P. No. 1315 of 2023 arising out of Kuchaikote P.S. Case No. 199 of 2023.

(Prabhat Kumar Singh, J)

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