

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4852 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- SANOKHAR District- Bhagalpur

-
1. Abdul Rahman @ Md. Abdur Rahman Son Of Late Husain @ Late Md. Sajjad Husain @ Late Sajjad Hussain Resident Of Village-Dighi, P.S-Mahagama, District-Bhagalpur
 2. Md. Gani @ Abdul Gani S/O Late Md. Sajjad Husain @ Late Sajjad Husain @ Late Husain Resident Of Village-Dighi, P.S-Mahagama, District-Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sulochana Devi Arvind Paswan Resident Of Village-Sahupara, P.S-Sonkhar, District-Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra, Adv.
For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-07-2024 Despite valid service of notice, nobody appears on behalf of the respondent No. 2.

2. Heard the parties.

3. This appeal has been filed against the order dated 15.09.2023 passed by learned Additional District & Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with A.B.P. No. 2333 of 2023 arising out of Sanokhar P.S. Case No. 47 of 2023, registered under Sections 341, 325, 147, 149, 337, 354, 338, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s) of Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. In the First Information Report, the allegation against the appellants is that they abused son of the informant by his caste name and assaulted him by means of fist, iron rod and sword.

5. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case due to enmity. It is next submitted that specific accusation of assault and abuse by caste name is against co-accused Taskim. So far these appellants are concerned, allegation against them is general and omnibus and they were only part of the mob. There is no allegation of abuse against them, hence no offence under SC/ST Act is made out against these appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge-III-cum-Special Judge,



SC/ST Act, Bhagalpur in connection with A.B.P. No. 2333 of 2023 arising out of Sanokhar P.S. Case No. 47 of 2023.

8. Accordingly, the impugned order dated 15.09.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

