

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4971 of 2023

Arising Out of PS. Case No.-204 Year-2023 Thana- BELAGANJ District- Gaya

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1. Md. Jaid Aalam @ Jaid Mian Son Of Md. Abdullah R/O Village- Chandauti, P.S.- Belaganj, District- Gaya
 2. Aaquib Javed @ Sahid Mian Son Of Md. Javed @ Mohammad Javed R/O Village- Bazidpur, P.S.- Belaganj, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Nitish Kumar Son Of Rupesh Choudhary R/O Village- Akal Bigha, P.S.- Belaganj, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aryan Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor Mr. Prithvi Raj Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-07-2024 Heard learned counsel for the parties.

2. This criminal appeal has been filed against the order dated 26.07.2023 passed by learned Exclusive Special Judge, SC/ST Spl. Court, Gaya in A.B.P. No. 256/2023 in connection with Belaganj P.S. Case No. 204 of 2023, registered under Sections 323, 341, 504, 379/34 of the Indian Penal Code and Sections 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per the prosecution case, on 31.03.2023 at about 5 PM, while the informant was returning with his friend, all the



F.I.R. named accused persons including these appellants and 20-30 other unknown persons assaulted him with fist, sticks and hockey and snatched Rs. 2,000/- from his pocket. It is further alleged that the accused persons also abused the informant by caste name.

4. Learned counsel for the appellants denies the prosecution case and submits that falsity of the prosecution case is apparent from the fact that allegedly two F.I.R. named accused persons and 20-30 unknown persons assaulted the informant but the informant has not sustained any serious injury. Allegation against the appellants is general and omnibus. Furthermore, it is not the case of the informant that the alleged occurrence has taken place within the public view and as such, no offence is made under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Appellants claim clean antecedent.

5. Learned Special Public Prosecutor for the State and learned counsel for the respondent No. 2 vehemently opposed the prayer for anticipatory bail of the appellant.

6. Considering the aforesaid facts and circumstances of the case, impugned order dated 26.07.2023 passed by learned Exclusive Special Judge, SC/ST Spl. Court, Gaya in A.B.P. No.



256/2023 in connection with Belaganj P.S. Case No. 204 of 2023 is set aside.

7. 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 learned Exclusive Special Judge, SC/ST Spl. Court, Gaya in connection with Belaganj P.S. Case No. 204 of 2023.

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

(Prabhat Kumar Singh, J)

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