

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2408 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- VISHNUPAD District- Gaya

- 1 . MD. RAJU HUSSAIN SON OF LATE HABIB HUSSAIN RESIDENT OF MOHALLA - MARKANDE MANDIR, P.S. - VISHNUPAD, DISTRICT - GAYA
2. MD. AZAD HUSSAIN SON OF LATE HABIB HUSSAIN RESIDENT OF MOHALLA - MARKANDE MANDIR, P.S. - VISHNUPAD, DISTRICT - GAYA
- 3 . MD. SHAMSHER @ BABLU HUSSAIN SON OF LATE HABIB HUSSAIN RESIDENT OF MOHALLA - MARKANDE MANDIR, P.S. - VISHNUPAD, DISTRICT - GAYA
4. ZUBAIR HUSSAIN SON OF LATE HABIB HUSSAIN RESIDENT OF MOHALLA - MARKANDE MANDIR, P.S. - VISHNUPAD, DISTRICT - GAYA
- 5 . KALAM HUSSAIN SON OF LATE HABIB HUSSAIN RESIDENT OF MOHALLA - MARKANDE MANDIR, P.S. - VISHNUPAD, DISTRICT - GAYA

... .. Appellant/s

Versus

- 1 . THE STATE OF BIHAR
2. VIJAY KUMAR SON OF LATE RAMCHANDRA PRASADL RESIDENT OF VILLAGE - BAITARNI TALAB PAJEW, P.S. - VISHNUPAD, DISTRICT - GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar , Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-02-2025 Heard learned counsel for the parties. Despite

filing vakalatnama nobody appears on behalf of respondent No.

2.

2. This appeal has been filed for setting aside order
dated 30.04.2024 passed in a case registered for the offence
punishable under sections 147, 149, 341 , 323 , 307 379, 504,



and 354 of the Indian Penal Code and sections 3(1) (r) , 3(1) (I), 3(1) (s) of the Scheduled Castes and Scheduled Tribes Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , on 18.02.2024 , all the accused persons including these appellants armed with deadly weapons assaulted informant and abused by caste name . It is further alleged that accused persons also threatened informant with dire consequences.

4. It is submitted on behalf of these appellants that appellants are innocent and have falsely been implicated in this case . Allegation of abuse and assault is general and omnibus in nature . Present case is counter blast of Vishnupad P s Case No. 59 of 2024 which was lodged by wife of appellant No. 5 against the family members of informant under Sections 147, 149, 341 , 323 , 504, 506, 379, 354 and 384 of IPC . Injury allegedly caused by these appellants are simple in nature . It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Learned Public Prosecutor for the State opposed the prayer for bail.



6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/St Gaya in connection with Vishnupad Police Station Case No. 58 of 2024 .

(Prabhat Kumar Singh, J)

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