

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4893 of 2019

Arising Out of PS. Case No.-95 Year-2019 Thana- PHULWARIA District- Begusarai

BANNEY QURASHI @ BANNEY QURAISHI @ MD. BANNEY QURAISHI Resident of Village - Baro, Baro Southern, Ward No. 2, P.S.- Fulwaria, Distt - Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanhaiya Paswan Arjun Paswan Resident of Village-Baro Uttari RampurTola,P.S-Phulwariya,District-Begusarai

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Sandip Kumar Gautam, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

10 09-07-2026 Heard learned counsel appearing for the appellant and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no body appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 07.08.2019 passed in a case registered for the offence punishable under Sections 147, 149, 341, 323, 307, 379, 504, 506, 427 and 337 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of this appellant has been rejected.



4. As per prosecution case, on protest made by the informant for carrying cows on a pickup van, all the F.I.R. named accused persons, including this appellant, abused the informant by caste name and co-accused Md. Sanney assaulted on the head of informant with pistol. It is further alleged that the accused persons snatched silver chain of informant, pelted stones on his hut and looted household articles.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of assault is against co-accused Md. Sanney. So far as this petitioner is concerned, he is only alleged to be present in the pickup van and there is absolutely no specific accusation of overt act against him. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. It is lastly submitted that similarly situated co-accused persons have already been granted privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 25.09.2019 passed in Cr. Appeal (SJ) No. 3959 of 2019.



6. Learned Spl. P.P. appearing for the respondent-State has vehemently opposed the prayer for grant of bail to the appellant.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and claim based on parity, this appeal is allowed and the impugned order dated 07.08.2019 passed by the learned Special Judge, SC/ST (POA) Act, Begusarai in connection with A.B.A. No. 1427 of 2019 arising out of Fulwaria P.S. Case No. 95 of 2019 is hereby set aside with respect to this appellant only.

8. 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 learned Special Judge, SC/ST (POA) Act, Begusarai in connection with Fulwaria P.S. Case No. 95 of 2019.

(Prabhat Kumar Singh, J)

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