

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.808 of 2018

Arising Out of PS.Case No. -112 Year- 2016 Thana -SC/ST District- SITAMARHI

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1. Naseema Khatoon @ Nasima Khatoon, W/o Md. Abdul Hameed @ Abdul Hameed,
2. Md. Abdul Hameed @ Abdul Hameed S/o Late Md. Islam @ late Islam, Both are R/o Ward No. 4, Village- Bashiya, P.S.- Kanhauli, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shankar Kumar

For the Respondent/s : Ms. Usha Kumari No. 1 (SPP 247)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 19-04-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Sitamarhi in connection with Sitamarhi (SC/ST) P.S. Case No. 112/2016 registered under Sections 341, 323, 420, 504 and 506/34 of the Indian Penal Code as well as Sections 3(i)(r)(w) (i) of the SC/ST Act.

The informant had paid money to the appellant Abdul Hameed when wife of Abdul Hameed, namely, appellant Naseema



Khatoon was Ward Member for the purpose of filling earth on the land of the informant but the earth was not filled up. When the informant demanded money, the appellants allegedly committed abuse and assault by taking caste name.

Learned counsel for the appellants submits that no other witness has supported as to what caste name was uttered by which of the appellant and the background of the allegation clearly shows that the appellants were not intending to humiliate the member of Schedule Castes, rather the occurrence took place for demand of refund of the advance money. Though, there is no evidence of such payment.

Learned counsel for the informant has opposed the prayer.

However, there is no substantial material to attract the requirement of the ingredients of the offences of SC/ST Act.

Hence, the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J.)

Rakhi

AFR/NAFR	
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