

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.621 of 2019**

Arising Out of PS. Case No.-17 Year-2018 Thana- SC/ST BAGHA District- West Champaran

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NASEEMA KHATOON, Wife of Majahar Ansari @ Majahar Mian Resident
of Village - Narwal Barwal, P.S.- Bagaha, Distt - West Champaran.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Vijay Kr Singh No. 1, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Special P.P.

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 26-02-2019

This appeal is for grant of pre-arrest bail to the appellant against the order dated 24.1.2019 passed by Additional Sessions Judge-I-Special Judge, West Champaran, Bettiah, in A.B.P. No.2901 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellant, who has been made accused in Bagaha SC/ST P.S.Case No. 17 of 2018, registered under Sections 341, 323, 324, 379, 504/34 of the Indian Penal Code and Section 3(i)(b)(c)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the accused persons, including the appellant is of abusing the informant by caste name and there is also allegation of taking away Rs.2000/- from him.

Submission of learned counsel for the appellant is that dispute arose with respect to throwing of garbage and Section 3 of SC/ST Act has been added in order to make the case serious, which is ornamental in nature.

Heard learned Special P.P.



Having heard both sides and in the facts and circumstances, let the appellant, named above, be released on bail, in the event of arrest or surrender, on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, West Champaran, Bettiah, in connection with Bagaha SC/ST P.S. case No. 17 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellant shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

Accordingly, the appeal is allowed and the impugned order dated 24.1.2019 is set aside.

(Vinod Kumar Sinha, J)

spal/-

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Uploading Date	
Transmission Date	

