

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1397 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- SC/ST District- Rohtas

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1. FIROJ ALAM Son of Late Fahimudin Resident of Mohalla-Barah Pathar, P.S-Dehari (Town), District-Rohtas.
 2. Mohasin Son of Late Fahimudin Resident of Mohalla-Barah Pathar, P.S-Dehari (Town), District-Rohtas.
 3. Faiaz Son of Late Fahimudin Resident of Mohalla-Barah Pathar, P.S-Dehari (Town), District-Rohtas.
 4. Naimuddin Idrishi @ Moinuddin Idrisi Son of Late Kamuridin Khalifa Resident of Mohalla-Barah Pathar, P.S-Dehari (Town), District-Rohtas.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Randhir Kumar No.1

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 26-06-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 15.12.2018 passed by learned 1st Addl. Sessions Judge cum Special SC/ST, Rohtas at Sasaram in connection with Dehri (T) P.S. Case No. 20 of 2018 registered under Sections 341, 323, 379, 504 & 506/34 of the Indian Penal Code and



Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant no.4 is said to have slated the informant in the name of his caste near Jama Masjid located at P.S. Dehri and on exhortation of the said appellant, appellant Firoj Alam shoved him on the ground and assaulted him by means of legs and fists while appellant Naimuddin Idrishi @ Moinuddin Idrisi assaulted him by means of rod on his chest.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellants are not specific rather general and omnibus in nature. Appellants have no criminal antecedent. The informant has not sustained any apparent injury on his person rather had made complain regarding the chest pain.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the appellant nos.(1) Firoj Alam, (2) Mohasin & (3) Faiaz are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the



like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special SC/ST, Rohtas at Sasaram in connection with SC/ST (Dehri) P.S. Case No. 20 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

As appellant no.4 Naimuddin Idrishi @ Moinuddin Idrisi has slated the informant in the name of his caste in a public view, offence under SC/ST Act is made out against him. Hence, the prayer for bail of appellant no.4 is hereby rejected. He is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the date of surrender.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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