

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1617 of 2019

Arising Out of PS. Case No.-129 Year-2018 Thana- BALIYA District- Begusarai

1. MD. HAMID Son of Majo Mian @ Md. Majo Mian Resident of Village - Husena, P.S.- Ballia, Distt - Begusarai.
2. Md. Mokim Son of Late Hano Mian Resident of Village - Husena, P.S.- Ballia, Distt - Begusarai.
3. Md. Jasim Son of Balo Mian Resident of Village - Husena, P.S.- Ballia, Distt - Begusarai.
4. Md. Jasim Son of Md. Kamal Mian Resident of Village - Husena, P.S.- Ballia, Distt - Begusarai.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 25-06-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 13.03.2019 passed by the learned Special Judge SC/ST (POA) Act, Begusarai in connection with Balliah P.S. Case No. 129 of 2018 registered under Sections 341, 323, 324 and 379/34 of the Indian Penal Code and Section 3(1) (r) (s) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was proceeding to purchase building materials all the appellants along with seven other named accused persons surrounded him and slated him in the name of his caste over his failure to pay extortion money of rupees one lakh demanded by them and at the exhortation of Md. Shamim all the accused persons assaulted him by means of lathi and iron rod inflicting injury to him and also relieved him of rupees eighty thousand.

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 land dispute as father of appellant no.1-Majo Mian filed BLDR Case No.22 of 2010 before the D.C.L.R. against the father of the informant, namely, Ram Kishun Ram in which the order has been passed in favour of father of appellant no.1. The allegation levelled against the appellants are not specific rather general and omnibus in nature. The appellants have no criminal antecedent and have been languishing in custody since 27.03.2019.

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



In the facts and circumstances of the case, the above named appellants 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 Special Judge SC/ST (POA) Act, Begusarai in connection with Balliah P.S. Case No. 129 of 2018, subject to the condition that appellants shall not extend any sort of threatening to the informant and will not tamper with the evidence and witnesses and if the learned lower court finds any allegations levelled against them in this regard to be true, he shall be at liberty to cancel the bail bonds of the appellants.

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

(Prakash Chandra Jaiswal, J)

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