

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1854 of 2019

Arising Out of PS. Case No.-205 Year-2018 Thana- JOKIHAT District- Araria

1. AFROZ @ Md. AFROZ Son of Islam @ Md. Islamuddin, Resident of Village-Kajlaita, P.S.-Jokihat, District-Araria.
2. Sohrab @ Md. Sohrab Alam Son of Ulfaan Resident of Village-Kajlaita, P.S.-Jokihat, District-Araria.
3. Islam @ Md. Islamuddin Son of Ulfaan Resident of Village-Kajlaita, P.S.-Jokihat, District-Araria.
4. Manowar @ Md. Manowar @ Md. Manawwar Son of Islam @ Md. Islamuddin, Resident of Village-Kajlaita, P.S.-Jokihat, District-Araria.
5. Mois @ Md. Moiz Son of Ulfaan Resident of Village-Kajlaita, P.S.-Jokihat, District-Araria.
6. Shahid @ Shahid Akhtar Son of Islam @ Md. Islamuddin, Resident of Village-Kajlaita, P.S.-Jokihat, District-Araria.

... Appellants.

Versus

The State of Bihar.

... .. Respondent.

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 14-08-2019

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 of anticipatory bail vide order dated 06.03.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Araria in connection with Special



(SC/ST) Case No.131 of 2018, arising out of Jokihat P.S. Case No. 205 of 2018 registered under Sections 341, 323, 324, 307, 354 B, 384, 379, 504 & 506/34 of the Indian Penal Code and Section 3(1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

During the course of carrying out the work of brick soiling under the scheme of Nishchya Yojna, appellants descended there and appellants Afroj, Shaid and Manowar demanded Rs.50,000.00 in lieu of carrying out the said work and on refusal to cough up their demand by the informant they started damaging the brick soiling and called their associates. Whereupon other ten named accused persons arrived there and slated the informant in the name of caste. When the villagers rushed in his rescue appellant Afroj assaulted on the head of Munna Yadav by means of spade and other accused persons also assaulted other persons.

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 and animosity. The



allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The informant has sustained simple injury in the occurrence. There is case and counter case between the parties. Allegedly altogether 13 accused persons were present at the occurrence but the informant has not specifically stated as to who slated him in the name of his caste. Appellants have no criminal antecedent. Parties to the case have compromised the case.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 Additional Sessions Judge cum Special Judge, Araria in connection with Special (SC/ST) Case No.131 of 2018, arising out of Jokihat P.S. Case No. 205 of 2018, subject to the condition as laid down under Section 438 (2) of the



Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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