

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2051 of 2019**

Arising Out of PS. Case No.-145 Year-2018 Thana- AMAUR District- Purnia

JALIL Son of Jainuddin R/o Village- Lal Toli, P.S.- Amour, District- Purnea

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dr. Bidhu Ranjan

For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 25-07-2019 Heard learned counsel for the appellant 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 18.02.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Purnea in connection with Amour P.S. Case No. 145 of 2018 registered under Sections 420, 465, 467, 468, 471, 353 & 447 of the Indian Penal Code and Section 3(1) (7) (g) (r) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

During the course of measurement of land by the Anchal Amin along with S.I. and informant, at the instigation of



appellant and four other named accused persons, around 100 women armed with deadly weapon arrived there and intervened the process of measurement, slated them and pelted stone upon them.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. The land in question is the public land. The allegation levelled against the appellant is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. There is no allegation of slating the informant in the name of his caste, hence no offence under SC/ST Act is made out against the appellant. Moreover, no case has been lodged by the Anchal Amin or any official rather by the private person. Appellant has no criminal antecedent. Similarly situated co-accused Md. Islamuddin @ Islamuddin and others have been enlarged on bail by a coordinate Bench of this Court vide order dated 03.04.2019 passed in Cr. Appeal (SJ) No.857 of 2019.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender



before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Purnea in connection with Amour P.S. Case No. 145 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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