

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2202 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- DALSINGHSARAI District- Samastipur

1. HAIDAR KHAN Son of Khalkhu Khan Resident of Village - Gouspur, P.S.- Dalsingsarai, Dist.- Samastipur.
2. Quadir Khan @ Abdul Quadir Khan Son of Idris Khan Resident of Village - Gouspur, P.S.- Dalsingsarai, Dist.- Samastipur.
3. Aarif Khan@ Asif Khan Son of Quadir Khan Resident of Village - Gouspur, P.S.- Dalsingsarai, Dist.- Samastipur.
4. Jahid Khan Son of Idris Khan @ Idaris Kha Resident of Village - Gouspur, P.S.- Dalsingsarai, Dist.- Samastipur.
5. Ibrar Khan @ Md. Ibrar Khan @ Md. Ibran Khan Son of Quadir Khan Resident of Village - Gouspur, P.S.- Dalsingsarai, Dist.- Samastipur.
6. Tulla Khan @ Tulah Khan @ Hayatullah Khan Son of Hasrat Khan Resident of Village - Gouspur, P.S.- Dalsingsarai, Dist.- Samastipur.
7. Md. Israfil Khan Son of Quadir Khan Resident of Village - Gouspur, P.S.- Dalsingsarai, Dist.- Samastipur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajeev Ranjan No.Ii
For the Respondent/s	:	Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 11-07-2019 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 11.4.2019 passed by learned 1st Additional Sessions



Judge-cum-Special Judge SC/ST (POA) Act, Samastipur in connection with Dalsinghsarai P.S. Case No. 20 of 2019, registered under Sections 341, 323, 354 (B), 504, 34 of the Indian Penal Code and also under Section 3 (i) (r) 3 (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have slated the informant in the name of her caste and slapped her for not providing she-goat to them by the informant which she had caught during grazing her wheat field. Md. Israfil Khan is said to have torn her attire. Subsequently, the appellants arrived at her house of the informant and slating her in the name of her caste extended threatening of dire consequences for not holding panchayati or lodging case against them.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the family members of the informant had brutally assaulted the wife of Md. Israfil Khan resultantly she was hospitalized and a case was lodged on the basis of fardbeyan recorded in the hospital and on getting knowledge of the same the informant has lodged this false and frivolous case against them to save skin from the aforesaid case. Allegation of



slating and assaulting the informant against the appellants is not specific rather general and omnibus in nature. First occurrence of slating is said to have taken place near the wheat field of informant and no one was present at the place of occurrence at that time rather villagers arrived there on making hulla made by the informant and second occurrence of slating is said to have taken place at the house of the informant hence no offence under SC/ST Act is made out against the appellants. They have no criminal antecedent.

Learned Spl. P.P. 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 in the event of their arrest or surrender before the learned Court below within a period of four weeks from today 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 District & Sessions Judge-cum- Special Judge SC/ST (POA) Act, Samastipur, in connection with Dalsingsarai P.S. Case No. 20 of 2019, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and



appeal is allowed.

(Prakash Chandra Jaiswal, J)

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