

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2189 of 2019

Arising Out of PS. Case No.-63 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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1. Sheikh Jokhu Son of Sheikh Baskarim Resident of Village- Jokatiya, P.S.-
Majhauria, District- West Champaran.
 2. Sheikh Jakir Son of Sheikh Baskarim Resident of Village- Jokatiya, P.S.-
Majhauria, District- West Champaran.
 3. Joha Khatoon Wife of Sheikh Jakir Resident of Village- Jokatiya, P.S.-
Majhauria, District- West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjeev Kumar Shrivastava
For the Respondent/s	:	Mr.Sadanand Paswan

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

ORAL ORDER

3 11-07-2019 Learned counsel for the appellants seeks
permission to withdraw this appeal with regard to appellant
no.2-Sheikh Jakir submitting that during pendency of this
appeal he has been arrested.

Permission is granted.

Accordingly, this appeal with regard to appellant
no.2 Sheikh Jakir is dismissed as withdrawn.

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 02.03.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Bettiah Sadar SC/ST P.S. Case No. 63 of 2018 registered under Sections 447, 341, 323, 379 & 504/34 of the Indian Penal Code and Section 3(1) (r) (ii) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over keeping the Nad on the property in question all the appellants along with two other accused persons are said to have assaulted the informant, his wife and son and slated the informant in the name of their caste.

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. The allegation of assault and slating the informant and his family members are not specific rather general and omnibus in nature. No one has sustained injury in the occurrence. There is no allegation of slating the informant in the specific name of his caste. The parties to the case has compromised the matter. Appellants have no criminal antecedent.



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, West Champaran at Bettiah in connection with Bettiah Sadar SC/ST P.S. Case No. 63 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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