

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2507 of 2019**

Arising Out of PS. Case No.-11 Year-2017 Thana- COMPLAINT CASE District- Kishanganj

Md Raja @ Md Wasim Raza, Son of Tamijuddin Resident of Village -
Koimari, P.S.- Bahadurganj, Distt - Kishanganj.

... .. Appellant.

Versus

1. The State of Bihar.
2. Aam Lal Harijan Son of Late Kanchan Lal Harijan Resident of Village -
Koimari, P.S.- Bahadurganj, Distt - Kishanganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Prawesh Kumar
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

7 09-09-2019 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 of anticipatory bail
vide order dated 01.05.2019 passed by learned 1st Additional
Sessions Judge, Kishanganj in connection with Complaint Case
No.11-C/17, giving rise of Special Case No. 18 of 2018
registered under Sections 147, 148, 323, 379, 504 & 506/34 of
the Indian Penal Code, Section 27 of the Arms Act and Section
3/4 of the Scheduled Castes and Scheduled Tribes (Prevention



of Atrocities) Act.

On not allowing passage to the appellant on his land by the informant, appellant along with four other named accused persons slated him in the name of caste and assaulted him by means of sleeper when his wife came in his rescue they also assaulted her and tore her attire.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. He has been falsely implicated in the case. There is land dispute between the parties. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent. Hence, he may be enlarged on bail.

Per contra, learned Special P.P. for the State vehemently opposing the bail petition submitted that appellant along with four other named accused persons slated him in the name of caste and assaulted him by means of sleeper and also assaulted his wife and tore her attire. Appellant has slated the informant in the specific name of his caste. Hence, offence under SC/ST is made out against the appellant and anticipatory bail is not maintainable. Hence, the appellant does not deserve bail.



Considering the facts and circumstances of case, I am not inclined to enlarge the appellant on bail. The prayer for bail of the appellant is hereby rejected. However, the appellant is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

