

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2572 of 2019

Arising Out of PS. Case No.-62 Year-2019 Thana- THAWE District- Gopalganj

1. PERWEZ MIAN @ PERWEZ AHMED Son of Jumrati Mian. Resident of Village- Kabilaspur, P.S.- Thawe, District- Gopalganj.
2. Anwar Mian @ Md. Anwer Husain Son of Shakur Mian Resident of Village- Kabilaspur, P.S.- Thawe, District- Gopalganj.
3. Jigar Mian Son of Late Md. Mustakim Resident of Village- Kabilaspur, P.S.- Thawe, District- Gopalganj.
4. Motabi Mian @ Abdul Mutaleib Son of Sagheer Alam Resident of Village- Kabilaspur, P.S.- Thawe, District- Gopalganj.
5. Mahammad Raja @ Gufran Son of Sagheer Alam Resident of Village- Kabilaspur, P.S.- Thawe, District- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Javed Aslam
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 02-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 31.05.2019 passed by learned 1st Addl. Sessions Judge, Gopalganj in Thawe P.S. Case No. 62 of 2019 registered under Sections 341, 323, 324, 307, 354, 427, 379, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)(w) of the SC/ST Act.



All the accused persons named in the F.I.R. including the appellants are said to have slated the informant and his family members in the name of their caste in public view and also assaulted him and his family members by means of sword and lathi inflicting injury to them.

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. There is case and counter case between the parties. Injury report of the victim does not corroborate the prosecution case. Petitioner nos. 1, 2 and 3 have no criminal antecedent. Hence they may be enlarged on bail.

Per contra, learned Spl.PP for the State vehemently opposing the bail petition submitted that besides assaulting the informant and his family members, there is specific allegation against the appellants of slating the informant and his family members in the name of their caste in public view, hence offence under SC/ST Act is made out and anticipatory bail is barred by Section 18 of the SC/ST Act.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. Prayer for bail of the appellants is rejected. Accordingly this



appeal is dismissed.

However, appellants are directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the appellants on the very date of the surrender of the appellants in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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