

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2707 of 2019

Arising Out of PS. Case No.-130 Year-2019 Thana- RAFIGANJ District- Aurangabad

1. Moh. Irfan @ Md. Irfan Son of Late Md. Yaqub Resident of Village- Sonbarsha, P.S.- Rafiganj, District- Aurangabad.
2. Md. Matin Son of Late Md. Yaqub Resident of Village- Sonbarsha, P.S.- Rafiganj, District- Aurangabad.
3. Md. Gani Son of Late Md. Yaqub Resident of Village- Sonbarsha, P.S.- Rafiganj, District- Aurangabad.
4. Nazia Parveen @ Nazni Parveen Daughter of - Moh. Irfan @ Md. Irfan Resident of Village- Sonbarsha, P.S.- Rafiganj, District- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Yugal Kishore, APP
For the Respondent/s : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 08-07-2019 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The appellants seek pre-arrest bail in connection with Rafiganj P.S. Case No.130 of 2019 registered under Sections 341, 323, 504 & 379/34 of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989.

Appellants are said to have prevented the informant from entering into his old house and on protest appellant nos.1, 2 & 3 slated him in the name of his caste while



appellant no.4 assaulted his sister holding her hair. Two other ladies of the house of Md. Irfran also arrived there and assaulted the informant and others by means of lathi, danda and iron rod and made four persons injured.

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 dirty village politics. As a matter of fact, earlier to the case under hand, the appellants have lodged a case against the informant and to save his skin from that case the informant has lodged this false and frivolous case against them. The allegation of assaulting the informant is not specific rather general and omnibus in nature. Informant has not sustained any injury. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposing the prayer for bail submitted that appellant nos.1 to 3 have slated the informant in the name of his caste, hence they are not entitled to bail as it has been barred under Section 18 of the SC/ST Act.

In the facts and circumstances of the case, the above named appellant no.4-Nazia Parveen @ Nazin Parveen, in the event of her 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) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge (SC/ST) Act, Aurangabad in connection with Rafiganj P.S. Case No.130 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Considering the facts and circumstances of case, I am not inclined to enlarge appellant nos. 1 to 3 on bail. The prayer for bail of appellant nos.1 to 3 is hereby rejected. However, they are 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 disposed of.

(Prakash Chandra Jaiswal, J)

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