

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2876 of 2019**

Arising Out of PS. Case No.-60 Year-2019 Thana- GORAUL District- Vaishali

MD. ISHLAM @ MD. ISLAM Son of Late Md. Karim Vaks Resident of
Village - Bahwalpur, Ward No. 9, P.S.- Goraul (Katahara O.P.), District-
Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amrendra Kumar
For the Respondent/s : Mr. Usha Kumari 1

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

ORAL ORDER

3 29-08-2019 Heard learned counsel for the appellant 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 15.04.2019 passed by learned 1st Addl. Sessions Judge
cum Special Judge, Hajipur, Vaishali in Goraul P.S. Case No. 60
of 2019 registered under Sections 341, 323, 376, 511, 506 and
504 of the Indian Penal Code and Section 83(i)(r)(s)(w)/3(z)(va)
of the SC/ST Act.

Md. Salam tried to outrage the modesty of the
informant when she had gone for defecation, but managed to
escape responding hulla made by the informant. When the
informant along with her husband approached his father Md.



Islam (appellant) to make complain, he started slating her and became adamant to assault.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case merely because he happens to be father of Md. Salam. There is no allegation of trying to outrage the modesty of the informant against the appellant. Only allegation against the appellant is of slating the informant and becoming adamant to assault her when informant arrived at his house to make complain against his son. There is no allegation of slating the informant in the name of her caste. Said slating is said to have been made inside the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like



amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Hajipur, Vaishali in connection with Goraul P.S. Case No. 60 of 2019, subject to the 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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