

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2961 of 2019

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

1. Mazharul Haque Son of Zaowad Mian @ Jawed Mian Resident of Village-Kabilaspur, P.S.- Thawe, District- Gopalganj.
2. Sabir Mian @ Sabil Alam Son of Mazharul Haque Mian Resident of Village-Kabilaspur, P.S.- Thawe, District- Gopalganj.
3. Shahid Mian @ Shahid Alam Son of Shukhan Miya @ Khekhan Mian Resident of Village- Kabilaspur, P.S.- Thawe, District- Gopalganj.
4. Chand Mian @ Chand Ali Son of Satyan Miya Resident of Village-Kabilaspur, P.S.- Thawe, District- Gopalganj.

... .. Appellants.

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

3 29-08-2019 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 31.05.2019 passed by learned 1st Additional Sessions Judge, Gopalganj in connection with Thawe P.S. Case No.62 of 2019 registered under Sections 341, 323, 324, 307, 354, 427, 379, 504 & 506/34 of the Indian Penal Code and



Section 3(1) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On protest made by the informant against thrashing his she-cow by the appellants and other accused persons over grazing their wheat crops, they slated him in the name of caste and on protest assaulted him by means of lathi and intruded into his house giving chase. In the meantime, other accused persons armed with sword, lathi etc. arrived there and appellant-Mazharul Haque assaulted on the head of the informant by means of sword and other accused persons assaulted mother, elder mother and Bhabhi of the informant and made them injured and looted away articles from his grocery shop.

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 merely because the appellants made the she-cow of the informant escaped from their field who was grazing their crops. There is case and counter case between the parties. The allegation of slating the informant in the name of caste levelled against the appellants is not specific rather general and omnibus in nature. Injury sustained by the informant is simple in nature and caused



by hard and blunt substance and not by sword. Other victims have not suffered any apparent injury. Appellants have no criminal antecedent.

On the other hand, learned counsel for the informant and earned 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, Gopalganj in connection with Thawe P.S. Case No.62 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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