

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3062 of 2019

Arising Out of PS. Case No.-86 Year-2019 Thana- ARIYARI District- Sheikhpura

1. Sheru Khan @ Md. Sheru Khan Son of Rashid Khan Resident of Village - Sanuya, P.S.- Ariari, Distt - Sheikhpura.
2. Alam Khan @ Md. Alam Khan Son of Mustafa Kamal Khan Resident of Village - Sanuya, P.S.- Ariari, Distt - Sheikhpura.
3. Ameer Khan @ Md. Ameer Khan Son of Mustafa Kamal Khan Resident of Village - Sanuya, P.S.- Ariari, Distt - Sheikhpura.
4. Koushar Khan @ Md. Koushar Khan Son of Salim Khan Resident of Village - Sanuya, P.S.- Ariari, Distt - Sheikhpura.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jagannath Prasad
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 30-08-2019 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 04.07.2019 passed by learned 1st Additional Sessions Judge, Sheikhpur in connection with Ariari P.S. Case No.86 of 2019 registered under Sections 147, 341, 323, 324, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

Six accused persons including the appellants intercepted the informant on way to Visheliya village and shoved him on the ground and slated him and on protest made by the informant Shaful Khan assaulted him by means of Bhala inflicting injury in the finger of his right hand. However, he was saved by the villagers. Then they left the scene extending threatening.

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. There is case and counter case between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants do not happen to be assailant. There is abnormal and inordinate delay of four days in lodging the F.I.R. without assigning any plausible explanation for the same. Appellants have no criminal antecedent.

Learned 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, Sheikhpur in connection with Ariari P.S. Case No.86 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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