

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3185 of 2019**

Arising Out of PS. Case No.-232 Year-2015 Thana- BARBIGHA District- Sheikhpura

Nanhu Miyan @ Naki Imam @ Nanhu Son of Fakruddin Resident of Village -
Murgia Chak, P.S.- Sare, District - Nalanda.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

3 04-09-2019 Heard learned counsel for the appellant 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 05.07.2019 passed by learned 1st Additional Sessions Judge, Sheikhpura in connection with SC/ST Case No.99 of 2018, arising out of Barbigha P.S. Case No. 232 of 2015 registered under Sections 341, 323 & 504/34 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant along with his brother and



bataidar were regressing to her house on her car, appellant and co-accused Md. Kamal Ansari intercepted them on the way by resorting firing and slated them in the name of caste and assaulted them. They also snatched her cash of Rs.25,000.00, mobile phone and golden chain.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, Title Suit No.11 of 2011 is pending between the parties and to mount pressure upon the appellant to get the aforesaid suit compromised this false and frivolous case has been lodged against the appellant. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Informant has lodged several cases against the appellant and her family members. Barring the cases lodged by them, appellant has not criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released 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, Sheikhpura in connection with SC/ST Case No.99 of 2018, arising out of Barbigha P.S. Case No. 232 of 2015, 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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