

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3436 of 2019

Arising Out of PS. Case No.-173 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

Md. Ajaj Son of Late Jasso Resident of Village-Mugalpura, P.S.-Babarganj,
District-Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajive Ranjan Singh
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4 30-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 16.07.2019 passed by learned 3rd Addl. District & Sessions Judge cum Special Judge, Bhagalpur in Mojahidpur (Babarganj) P.S. Case No. 173 of 2019 registered under Sections 147, 148, 149, 341, 448, 504, 506 of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of Arms Act and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On playing the sound box by the children of the



informant on the occasion of marriage, six named accused persons including the appellant descending at his house and asked to stop playing the music. They slated and assaulted him. When his family members intervened the occurrence, Md. Imtiyaj whipping out the pistol extended threatening of dire consequence. Villagers congregated there and snatched pistol of Md. Imtiyaj and handed it over to the police. In the meantime, all the accused persons made good their escape.

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 this case merely because he intervened some altercation taken place between the informant and Md. Imtiyaj. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Slating the informant in the name of the caste is said to have been made at the house of the informant and not in the public view, hence, no offence under SC/ST Act is made out against the appellant. Informant has not sustained injury in the occurrence. No incriminating article has been recovered from conscious physical possession of the appellant. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer



for bail.

In 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 learned 3rd Addl. District & Sessions Judge cum Special Judge, Bhagalpur in Mojahidpur (Babarganj) P.S. Case No. 173 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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