

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3573 of 2019**

Arising Out of PS. Case No.-301 Year-2019 Thana- FORBESGANJ District- Araria

FARHAT SHABBIR @ MUNNU Son of Late Shabbir Allam Resident of
D.D. Road, Ward no. 16, P.S.- Forbeasganj, District- Araria, Bihar.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

3 04-11-2019 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 27.04.2019 passed by learned 1st Additional Sessions Judge, Araria in connection with Forbeasganj P.S. Case No.301 of 2019, corresponding to Special SC/ST Case No.85 of 2019, registered under Section 341/323 read with Section 34 of the Indian Penal Code and Section 3(1) (a) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

While the informant was proceeding to attend meeting of BJP, appellant accosted him on the way and started slating him in the name of caste and also tried to make him consume some waste material and on protest made by the informant he fisted him.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, appellant has sought information from the Election Commission about non-filing of accounts of expenditure made in the election by the wife of the informant, namely, Kanchan Devi and regarding the said matter, case is pending against the said Kanchan Devi in the office of Election Commission. Besides this, preceding to the case under hand, the appellant has lodged Forbeasganj P.S. Case No.300 of 2019 against the informant and being peeved with the same informant has lodged this false and frivolous case against the appellant.

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, Araria in connection with Forbeasganj P.S. Case No.301 of 2019, corresponding to Special SC/ST Case No.85 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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