

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3565 of 2019**

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

Bikki Son of Gayas Khan @ Gayas Resident of Mohalla- Sakrullahchak, 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. Sadanand Paswan

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

ORAL ORDER

4 22-10-2019 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 22.07.2019 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, Section 25(1-b)a, 26, 35 of the 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 arrived at his house and slating him in the name of his caste asked to stop playing the D.J. On forbidding them, co-accused Imtiyaz whipping out pistol from his waist extended threatening of dire consequence. In the meantime, local congregated there and snatching his pistol produced before the police while all the accused persons managed to 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 happens to be friend of Md. Imtiyaz. No incriminating article has been recovered from conscious physical possession of the appellant. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Allegation of slating the informant in the name of his 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.

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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