

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3731 of 2019**

Arising Out of PS. Case No.-116 Year-2015 Thana- SATHI District- West Champaran

1. SAFIR MIR @ SAIYAD SAFIQUE AHMAD @ SAIYAD SAIK AHMAD
Son of Late Munir Mir Resident of Village-Dharampur, P.S.-Sathi, District-
West Champaran.
2. Sablu Mir @ Savalu Son of Safir Mir @ Saiyad Safique Ahmad Resident of
Village-Dharampur, P.S.-Sathi, District-West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma
For the Respondent/s	:	Mr. Binay Krishna

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

ORAL ORDER

3 15-10-2019 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 31.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Sathi P.S. Case No. 116 of 2015 registered under Sections 341, 323, 354 B, 379 & 504/34 of the Indian Penal Code and Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Over row of joining the society of the appellants by the informant, appellants along with co-accused Bablu Mir arriving at the house of the informant slated her in the name of caste and assaulted by leg and fists and when her pregnant daughter rushed in her rescue, they also assaulted her by means of lathi. Co-accused Husne Ara Khatoon snatched the mangalsutra of the daughter of the informant.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has not sustained any injury in the occurrence. There is no allegation of slating the informant in the specific name of her caste, hence no offence under SC/ST Act is made out against the appellants. There is inordinate delay of three days in lodging the F.I.R. without assigning any plausible explanation for the said delay. 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 cum Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Sathi P.S. Case No. 116 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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