

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4100 of 2019**

Arising Out of PS. Case No.-95 Year-2019 Thana- PHULWARIA District- Begusarai

SANNEY QURASHI @ SANNEY QURAISHI @ MD. SANNEY QURAISHI Son of Md. Idris @ Md. Idris Quraishi Resident of Village - Baro, Baro Southern, Ward No. 2, P.S.- Fulwaria, District - Begusarai.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sandip Kumar Gautam
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 13-11-2019 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 13.08.2019 passed by learned Special Judge SC/ST Act, Begusarai in connection with Fulwaria P.S. Case No.95 of 2019 registered under Sections 147, 149, 341, 323, 307, 379, 504, 506, 427 & 337 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On protest made by the informant on carrying cow



on the pick-up van by Md. Banney, he slated him in the name of his caste and Md. Sanney (appellant) assaulted on his head by means of pistol while the other 9 named and 20 unknown miscreants slated and snatched away his silver chain. They also damaged his hut by pelting stone and looted away house hold articles.

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 due to dirty village politics. Informant has not sustained any injury in the occurrence. The learned Court below has also not mentioned about any injury in the impugned order after perusal of the case diary. There is no allegation of slating the informant in the name of caste against the appellant, hence no offence under SC/ST Act is made out against him. The other allegation levelled against the appellant is not specific rather general and omnibus in nature. The allegation of theft is super addition.

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 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 Special Judge SC/ST Act, Begusarai in connection with Fulwaria P.S. Case No.95 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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