

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3959 of 2019

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

1. Md. Sufiyan Quraishi @ Sufiyan Quraishi @ Md. Sufiyan Qurashi @ Md. Abu Sufiyan Son of Md. Idris @ Md. Idris Quraishi Resident of Village - Baro, Baro, Southern ward no. 2, P.S.- Fulwaria, Distt - Begusarai.
2. Md. Shoaib Quraishi @ Sohaib Quraishi @ Md. Sohaib Quraishi @ Sohaib Qurashi Son of Md. Idris @ Md. Idris Quraishi Resident of Village - Baro, Baro, Southern ward no. 2, P.S.- Fulwaria, Distt - Begusarai.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent.

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 25-09-2019 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 07.08.2019 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 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 appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to dirty village politics. They do not happen to be assailants. The other allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the name of his caste, hence no offence under SC/ST Act is made out against him. 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 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 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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