

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4025 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- SC/ST BAGHA District- West Champaran

1. SK. AURANGJEB @ SHEKH AURANGJEB S/o Shekh Majid @ Shekh Abdul Majid @ Sk. Abdul Majid @ Abdul Majid Resident of Village- Bhataura, P.S.- Bagaha, District- West Champaran.
2. Shekh Majid @ Shekh Abdul Majid @ Sk. Abdul Majid @ Abdul Majid S/O Late Sk. Latif Resident of Village- Bhataura, P.S.- Bagaha, District- West Champaran.
3. Kalimullah @ Md. Kalimullah @ Munna S/O Mainullah @ Md. Mainullah @ Bhuttu Resident of village- Bhataura, P.S.- Bagaha, District- West Champaran.
4. Mainullah @ Md. Mainullah @ Bhuttu S/o Shekh Majid @ Shekh Abdul Majid @ Sk. Abdul Majid @ Abdul Majid Resident of Village- Bhataura, P.S.- Bagaha, District- West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 27-09-2019 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 20.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POCSO), West



Champaran at Bettiah in connection with Bagaha SC & ST P.S. Case No.10 of 2019 registered under Sections 341, 323, 379, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) / 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On sitting beside the owner of the Sugar Mill by the informant, after departure of the said owner appellants slated him in the name of caste and assaulted him and they also took out Rs.10,000/- from his pocket and extended threatening of eviction from village in case of lodging the case against them.

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 political rivalry. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained injury in the occurrence. During the course of investigation, witnesses have not supported the occurrence of slating the informant in the name of caste by the appellants rather stated about simple dispute ensued between the parties. There is abnormal delay of two 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/POCSO), West Champaran at Bettiah in connection with Bagaha SC & ST P.S. Case No.10 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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