

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4305 of 2019

Arising Out of PS. Case No.-320 Year-2019 Thana- BARH District- Patna

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1. MD. SAFDAR HUSSAIN @ PRAVEJ @ MD. PRAVEJ Son of Md. Ahshan Resident of Akwarpur, P.S.- Barh, District- Patna.
 2. Md. Arif @ Arif Hussain @ Md. Arif Hussain Son of Shafi Resident of Akwarpur, P.S.- Barh, District- Patna.
 3. Arman Son of Asgar Resident of Akwarpur, P.S.- Barh, District- Patna.
 4. Md. Danish @ Danish Son of Md. Bilal Resident of Akwarpur, P.S.- Barh, District- Patna.
 5. Md. Zishan @ Zishant @ Nishant Son of Md. Jamal Resident of Akwarpur, P.S.- Barh, District- Patna.
 6. Akbar @ Pintu @ Akbar Hussion Son of Shaheb Resident of Akwarpur, P.S.- Barh, District- Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar Singh
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 17-10-2019 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 28.08.2019 passed by learned Special Judge



SC/ST Act, Patna in connection with Barh P.S. Case No. 320 of 2019 registered under Sections 147, 149, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The statue of Baba Saheb Ambedkar has been installed in the gair majarua aam land two years back. Appellants always extend threatening slating the informant and his community people in the name of caste. On the date of occurrence, all the appellants armed with weapon descended at the house of the informant slating in the name of caste and asked him to remove the aforesaid statue forthwith else face dire consequence.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the informant and his community people have installed statue of Baba Saheb Ambedkar on the private land of Momina Khatoon and on protest made by the appellants they assaulted them for which the appellant no.1 has lodged Barh P.S. Case No.319 of 2019 against the son of the informant and others and in order to save skin from the said case this false and frivolous case has been lodged against



the appellants. Moreover, on asking for removal of the said statue by the government officials, which has been installed on the private land informant and other created obstructions for Barh P.S. Case No.305 of 2018 has been lodged against the informant and others by the police officials. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not filed any case against the appellants regarding slating and extending threatening to him and others earlier and the allegation of slating the informant on the date of occurrence levelled against the appellants is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. 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 are directed to 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, Patna in connection with Barh P.S. Case No. 320 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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