

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4376 of 2019

Arising Out of PS. Case No.-96 Year-2018 Thana- ROH District- Nawada

1. MD. SIKEB ALAM Son of Sabir Mallik Resident of Village - Koshirukhi Nawada Kosi, P.S.- Roh, Distt.- Nawada.
2. Md. Tariq Jamal Son of Aurangjeb Mallik Resident of Village - Koshirukhi Nawada Kosi, P.S.- Roh, Distt.- Nawada.
3. Md. Ajhar Alam Son of Md. Akhtar Alam @ Akhtar Malick @ Md. Aktar Mallick Resident of Village - Koshirukhi Nawada Kosi, P.S.- Roh, Distt.- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhavesh Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 17-10-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 27.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Nawada in Roh P.S. Case No. 96 of 2018 registered under Sections 147, 149, 341, 323 and 504 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

While the informant along with his cousin namely Ranjeet Choudhary arrived near the culvert, appellant Tariq Jamal slated him in the name of his caste. On protest made by



the informant, other accused persons assaulted him by means of leg and fist shoving him on the ground catching hold his brother. The bone of contention is said to be old animosity between the parties.

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. There is case and counter case between the parties. The allegation of slating the informant in the name of his caste is only against the appellant Tariq Jamal and that too has taken place near the culvert i.e. at desolate place and not in public view, hence no offence under SC/ST Act is made out against the said appellant. Injury sustained by the informant is simple in nature. Allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond



of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Nawada in connection with Roh P.S. Case No. 96 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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