

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4610 of 2019**

Arising Out of PS. Case No.-15 Year-2018 Thana- SC/ST District- Kishanganj

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ABDUL RAZZAQUE @ ABDUR RAZZAQUE S/o Sudhu Miyan @
Syuddho Miyan @ Md. Majebul Resident of Khagra Paswan Tola, P.S.-
Kishanganj, District- Kishanganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Amal Kumar Sinha

For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 16-12-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal under section 14A(2) of the SC and
ST (Prevention of Atrocities) Act has been preferred against the
rejection of bail of the appellant vide order dated 09.09.2019
passed in A.B.P. No. 48 of 2019 which arises from Kishanganj
SC/ST P.S. Case No. 15 of 2018 registered for offence under
sections 341, 323, 504, 506, 354, 379, 406, 420/34 of the Indian
Penal Code and section 3(1)(r)(s)(w)(i)(z), 3(2)(va) of the SC
and ST (Prevention of Atrocities) Act.

As per allegation in the FIR, the appellant and his
father Sudhu Miyan are said to have got the signature of the
informant on a piece of paper. It is further submitted that on



the informant returning to her house, she found that her house had been demolished and the articles had been kept by the accused persons and on demand made by the informant, accused persons refused to return the same. Further allegation is that the accused persons assaulted the informant and abused her in the name of her caste.

It is submitted by learned counsel for the appellant that the allegations in the FIR are general and omnibus in nature and the case of the appellant stands on similar footing to that of co-accused namely, Ebrahim Miyan and Md. Moeinuddin, who have been enlarged on bail vide order dated 15.04.2019 passed in Cr. Misc. no. 1489 of 2019.

The application for bail is opposed by learned Special Public Prosecutor for the State.

Having heard learned counsel for the parties and going through the records of the case including the copy of the order dated 15.04.2019 passed in Cr. Misc. (SJ) no. 1489 of 2019, I find that the case of the appellant does not stand on similar footing to those of the co-accused who have been granted bail by the said order. By the said order, application for bail of co-accused Suddho Miyan, who is father of the appellant was rejected, directing him to surrender within a period of six



weeks and to pray for regular bail. Accordingly, in the facts and circumstances of the case, the Court is not inclined to enlarge the appellant on anticipatory bail.

The appellant is directed to surrender within a period of six weeks and to pray for regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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