

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4428 of 2019

Arising Out of PS. Case No.-352 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

Md. Imtiyaj Alam Son of Nanhu Miyan Resident of Village- Danu Bigha,
P.S.- Makhdumpur, District- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar

For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

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

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 19.09.2019 passed by learned 1st Addl. Sessions Judge, Jehanabad in Makhdumpur P.S. Case No. 352 of 2019 registered under Sections 341, 342, 323, 307, 504, 379, 506/34 of the Indian Penal Code and Section 3(1)(r)(s)(w), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant had gone to in-laws house of his son to take him back, five named accused persons including



the appellant and 7-8 unknown miscreants calling him as child thief assaulted him. In the meantime, administration arrived there and saved his life. They also snatched his cash of Rs. 5500/- from his pocket.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. There is no allegation of slating the informant in the name of his caste against the appellant, hence, no offence under SC/ST Act is made out against him. Allegation of theft is super addition. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge,



Jehanabad in Makhdumpur P.S. Case No. 352 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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