

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4736 of 2019

Arising Out of PS. Case No.-66 Year-2019 Thana- MAINATAND District- West Champaran

1. ZUBAIR SHEIKH @ ZUBAIR HASSAN @ ZUBAIR Son of Ainul Shekh
Resident of Village - Bastha, P.S.- Mainatand, District- West Champaran
2. Munna Sheikh @ Munna Kaish @ Md. Munna @ Md. Kaish Son of
Nayeem Sheikh Resident of Village - Bastha, P.S.- Mainatand, District- West
Champaran

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Brij Kishor Mishra
For the Respondent/s	:	Mr. Binay Krishna (App)

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 13-11-2019 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 25.09.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POCSO Act), Bettiah, West Champaran in connection with Mainatand P.S. Case No. 66/2019 registered under Sections 341, 323, 504, 379 of the Indian Penal Code and Section 3(i) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was thrashing paddy of the



villagers, appellants demanded Rs.600/- for taking wine and on his refusal, they slated him in the name of his caste and assaulted him by means of rod and they also took away Rs.5000/- from his pocket.

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 was thrashing paddy on the tractor by parking on the mid road and on protest made by the appellants, he has falsely implicated the appellants in the case. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. There is inordinate and abnormal delay of five days in sending the F.I.R to the learned court below, indicating it to be antedated and creates serious doubt about the prosecution case. Moreover, the parties to the case have compromised the matter. 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 Act), Bettiah, West Champaran in connection with Mainatand P.S. Case No. 66/2019, 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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