

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4898 of 2019

Arising Out of PS. Case No.-31 Year-2017 Thana- SC/ST District- Sheikhpura

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JISHAN SHAHID @ JEESHAN Son of Shahid Mahmood Resident of
Chewara, P.S.- Chewara, District- Sheikhpura.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Devendra Prasad Singh

For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

2 18-11-2019 Heard learned counsel for the appellant 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 22.10.2019 passed by learned 1st Additional
Sessions Judge, Sheikhpura in connection with Sheikhpura
SC/ST P.S. Case No.235 of 2017, arising out of Sheikhpura
SC/ST P.S. Case No.31/2017 registered under Sections 341,
323, 379, 504, 506/34 of the Indian Penal Code and Section 3
(2) (va), (R)(S) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.



While the informant was constructing the house on his land Shabbir Mohammad warned him from constructing the house and on protest made by the informant he exhorted other accused persons to assault him. Whereupon other two accused persons including the appellant assaulted him and snatched cash of Rs. 2000/- and damaged his wall. They also slated him in the name of caste.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact grandfather of the appellant had sold out one decimal of land to the father of the informant but informant was constructing the house encroaching the other land of the appellant. Whereupon Measurement case was filed and after institution of the case, Amin found excess land encroached by the informant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. Appellant has no criminal antecedent. Similarly situated co-accused namely Shabbir Mohammad and Shahid Mohammad have been enlarged on anticipatory bail by co-ordinate Bench of this Court vide order dated 31.08.2018 passed in Cr. Appeal (SJ) No.2965 of 2018.



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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Sheikhpura in connection with SC/ST Case No.235 of 2017, arising out of Sheikhpura SC/ST P.S. Case No.31/2017, 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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