

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5058 of 2019**

Arising Out of PS. Case No.-444 Year-2019 Thana- SUPAUL District- Supaul

MD. KADIR S/o Md. Basir R/o Village- Mahua Puranwas, Ward No. 13, P.S.-
Supaul, District- Supaul

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Harun Quareshi
For the Respondent/s : Ms. Usha Kumari 1

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

ORAL ORDER

2 21-11-2019 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 for bail vide order dated 03.10.2019 passed by learned 1st Additional Sessions Judge, Supaul in connection with Supaul P.S. Case No. 444 of 2019 registered under Sections 341, 323, 354, 506 of the Indian Penal Code, Section 4 D.P. Act and Section 3(2) (va), 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant has performed Court marriage with the



daughter of the informant. Appellant arriving at the house of informant in inebriated condition slating him in the name of his caste demanded Rs. 1 lac and on protest made by the informant he assaulted on his scrotum by means of leg and also assaulted on the stomach and genital organ of his wife by means of leg.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact appellant has performed Court marriage with the daughter of the informant against his will and peeved with aforesaid reason, informant has lodged this false and frivolous case against the appellant to harass him. None has sustained injury in the occurrence. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Moreover, parties to the case have compromised the matter. Appellant has no criminal antecedent and has been languishing in custody since 20.08.2019.

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

In the facts and circumstances of the case, the above named appellant is directed to 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, Supaul in connection with Supaul P.S. Case No. 444 of 2019.

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

(Prakash Chandra Jaiswal, J)

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