

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.379 of 2020**

Arising Out of PS. Case No.-166 Year-2018 Thana- CHANPATIA District- West Champaran

1. ROJDIN MIAN @ ROJDIN ALAM S/o Mojahir Mian @ Mojair Mian,
2. Aslam Mian, S/o Mojahir Mian @ Mojair Mian,
Both are Residents of Village- Bankat Kaithwaliya, P.S.- Chanpatia, Distt-
West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 16-12-2020 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual court proceedings.

This is an appeal under Sections 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989 (hereinafter in short referred to as the ‘S.C./S.T. Act’), against the refusal of prayer for bail vide order dated 15.11.2019 passed by the learned 1st Additional District & Sessions Judge cum Special Judge (SC/ST) Act, Bettiah, West Chamaparan in connection Chanpatia P.S. Case No. 166/2018 registered under Sections 141, 323, 504 & 34 of the Indian Penal Code and Sections 3 (i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act., However, police has found the



occurrence to be true under Sections 341, 323, 504 & 34 of the I.P.C. and Sections 3 (i)(r)/3(ii)(v-a), SC & ST (POA) Act.

Prosecution case in brief is that on 04.05.2018 the informant gave a written report before the police stating therein that at about 5.00 pm, the accused persons including the appellants assaulted the informant with fists and slaps and accused Deepak Alam assaulted her with lathi resulting in injury over left temple. The accused persons also threatening to assault the informant and to uproot her house.

Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to land dispute between the parties. None has sustained any serious injury in this occurrence and there is general and omnibus allegation against the appellants. The allegations do not constitute any offence within the meaning of any provision of SC & ST (POA) Act.

Learned Special P.P. for the State opposes the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event or 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. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 166/2018, 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.

(Anjani Kumar Sharan, J)

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