

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1545 of 2020

Arising Out of PS. Case No.-26 Year-2016 Thana- SC/ST District- Araria

1. JISHAN GAZI Son of Late Gazi Salauddin.
2. Kalim S/o Late Nakchedi.
3. Shaukat @ Saukat Ali @ Mithu S/o Kalim @ Md. Kalimuddin.
4. Subeda Khatoon W/o Kalim
5. Guddu @ Md. Guddu Son of Late Ishaque.
6. Sajid @ Md. Sajid S/o Late Ishaque.
7. Hasib Son of Muddi all are Resident of Village- Dumariya Ward No.09, Police Station- Raniganj, District- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Rana, Adv.
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-09-2020 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the appellants undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before



the Bench.

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 08.06.2020 passed by learned 1st Additional Sessions Judge cum Special Judge, Araria in connection with Special (SC/ST) Case No. 29 of 2017 arising out of Araria (SC/ST) P.S. Case No. 26 of 2016 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(1) (i) (r) (n) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case as lodged by the informant is that while he was returning home with his wife who elected as Mukhiya then the appellants named in the FIR armed with deadly weapons surrounded them and started abusing them with their caste name. It is alleged that appellant Kalim wrapped Gamachha around the neck of the informant and drew forcibly due to that he became senseless and the appellant Guddu snatched away silver chain of the wife of the informant and her purse in which Rs. 1500/- was kept.

It is submitted by learned counsel for the



appellants that the appellants have no concern with the aforesaid occurrence and they have been falsely implicated in the case due to dirty village politics. He submits that allegation is totally false, baseless and concocted. He submits that for the same occurrence appellant no. 3 has lodged Raniganj P.S. Case No. 145 of 2016 against the present informant and his wife and others and on retaliation and to save their skin, the present case has been lodged. He further submits that appellants bears no criminal history.

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.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Araria in connection with Special (SC/ST) Case No. 29 of 2017 arising out of Araria (SC/ST) P.S. Case No. 26 of 2016, 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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