

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1439 of 2020

Arising Out of PS. Case No.-17 Year-2017 Thana- SC/ST BETTIAH District- West
Champaran

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1. SHEIKH RIAZ @ SHEIKH RIAZ AHMAD Son of Sheikh Mustufa Resident of Village - Baghi, P.S.- Lauriya, District - West Champaran (Bettiah).
 2. Sheikh Safi Jawed @ Laddan Son of Sheikh Mustufa Resident of Village - Baghi, P.S.- Lauriya, District - West Champaran (Bettiah).
 3. Sheikh Ayyub Sabri Son of Sheikh Rozy @ Sheikh Ashim Raza Resident of Village - Baghi, P.S.- Lauriya, District - West Champaran (Bettiah).
 4. Sheikh Aashique Raza @ Sheikh Ashim Raza @ Laddu Resident of Village - Baghi, P.S.- Lauriya, District - West Champaran (Bettiah).
 5. Sheikh Sabir Son of Sheikh Sagir Resident of Village - Baghi, P.S.- Lauriya, District - West Champaran (Bettiah).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Harun Quareshi
For the Respondent/s : Mrs. Renu Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-10-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsels for the parties.

The matter relates to grant of anticipatory bail to the
appellants in connection with Bettiah SC/ST P.S. Case No. 17
of 2017 registered for the offences under Sections 341, 504, 34
of the Indian Penal Code and 3(i)(r) (g)(ii)(va) of SC/ST Act.



The prosecution case, in brief, is that as soon as the informant reached place of occurrence, the accused persons caught her color and used his caste name and also demanded rangdari from him.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. No injury is said to have been caused to anyone. Due to petty reason, the appellants have been made accused in the present case. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 06.03.2020 passed by learned 1st Additional Sessions Judge-cum- Special Judge (SC/ST/POCSO), Bettiah, West Champaran in A.B.A. No. 397 of 2020 in connection with Bettiah SC/ST P.S. Case No. 17 of 2017, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the



event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum- Special Judge (SC/ST/POCSO), Bettiah, West Champaran in connection with Bettiah SC/ST P.S. Case No. 17 of 2017.

(Sudhir Singh, J)

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