

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1699 of 2020

Arising Out of PS. Case No.-352 Year-2019 Thana- RIVILGANJ District- Saran

-
1. MUSTAQUE ALI @ JHARELI MIYA Son of Islam Miyan Resident of Village - Samsudinpur, P.S. - Revelganj, District - Saran.
 2. Mumtaz Ali @ Gunga son of Islam Miyan Resident of Village - Samsudinpur, P.S. - Revelganj, District - Saran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Harish Kumar, Advocate.

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2020 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 17.03.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Saran in connection with Revelganj P.S. Case No. 352 of 2019 registered under Sections 341, 323, 447, 354 B, 379, 504 and 506/34 of the Indian Penal Code and Section 3(1) (r) (s) /3 w(i) (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in nut shell, is that all the F.I.R. named accused persons including these appellants are said to have assaulted and slated the informant in her caste name. Appellant no.2 tore her blouse. The reason behind the occurrence is said to be a petty dispute.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. 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 appellants. There is inordinate delay of five days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case.

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 Addl. Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with Revelganj P.S. Case No.352 of 2019, 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.)

Trivedi/-

U		T	
---	--	---	--

