

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1765 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- SC/ST BETTIAH District- West
Champaran

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1. JAINUDDIN MIYAN S/o Rasool Miyan Resident of Village- Gurchurwa, Ward No.10, P.S.- Majhauria, District- West Champaran
 2. Saddam Alam @ Saddam Miyan @ Saddam Alam S/o Jainuddin Miyan Resident of Village- Gurchurwa, Ward No.10, P.S.- Majhauria, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjeev Kumar Shrivastava
For the Respondent/s	:	Mr.Vinay Krishna
For the Informant	:	Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the appellants, Sri Vinay Krishna, the learned Spl.P.P. for the State and Sri Sanjay Kumar, the learned counsel for the informant.

The present appeal has been preferred under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail vide order dated 20.06.2020, passed by the



learned Additional District and Sessions Judge 1st-cum-Special Judge (ST/SC/ POCSO) Act, Bettiah (West Champaran) in anticipatory bail petition no. 591 of 2020, arising out of Bettiah SC/ST PS case no. 02 of 2020 under Sections 341, 323, 379, 504/34 of Indian Penal Code and 3(1)(r)(s)(ii)(v-a) of SC/ST Act.

The allegation is that the appellants are alleged to have assaulted the daughter of the informant and had abused her by taking her caste name.

The learned counsel for the appellants has submitted that the appellants are innocent, they have been falsely implicated in the present case and are having clean antecedent. It is submitted by the learned counsel for the appellants that though the date of occurrence has been stated to be 14.11.2019, but the FIR has been filed belatedly i.e. after a delay of about three months. It is alleged that the caste name by which the appellants are alleged to have abused the daughter of the informant has not been specified, hence no case is made out under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Per contra, the learned Spl.PP for the State vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that FIR has been lodged after a great delay of about 03 months and moreover, a general and omnibus allegation has been levelled against the appellants, I deem it fit and proper to admit the appellants to the privilege of anticipatory bail. Accordingly, let the abovenamed appellants, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned learned Additional District and Sessions Judge 1st-cum-Special Judge (ST/SC/ POCSO) Act, Bettiah (West Champaran) in connection with Bettiah SC/ST PS case no. 02 of 2020, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

Accordingly, the impugned order dated 20.06.2020 passed by the court of learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST/POCSO) Bettiah, West Champaran in connection with Bettiah SC/ST PS case no. 02 of



2020 is hereby set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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