

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1776 of 2020**

Arising Out of PS. Case No.-16 Year-2020 Thana- SC/ST BETTIAH District- West  
Champaran

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1. MD. SALAUDDIN MIYAN @ SALAUDDIN MIYAN S/o Hawaldar Miyan  
Resident of Village- Chapariya Tola, P.S.- Bhangaha, District- West  
Champaran.
  2. Md. Reyajuddin @ Riyajuddin @ Munna Miyan S/o Hawaldar Miyan R/o  
Village- Chapariya Tola, P.S.- Bhangaha, District- West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Bimlesh Kumar Pandey  
For the Respondent/s : Mr. Vinay Krishna

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**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 and Sri  
Vinay Krishna, the learned Spl.P.P. for the State.

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 17.06.2020, passed by the  
learned Additional District and Sessions Judge 1<sup>st</sup>-cum-Special  
Judge, Bettiah (West Champaran) in anticipatory bail petition



no. 784 of 2020, arising out of Bettiah Sadar SC/ST PS case no. 16 of 2020 under Sections 341, 323, 379, 354B, 504/34 of Indian Penal Code and 3(i)(r)(s)(ii)(v-a) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The case of the prosecution in brief is that when the informant was going to village Dimiliya tola on his motorcycle, the accused persons including the appellants herein had stopped him, where they had abused and assaulted him as also had snatched a sum of Rs. 20,000/- from his pocket. It is further alleged that when the informant had given information about the incident to his family members, his wife and others had arrived at the said place of occurrence, whereupon the accused persons had also assaulted the wife of the informant.

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that the caste name taken by the accused persons has not been disclosed in the FIR, hence no case is made out under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is further submitted, by referring to paragraph no. 14 of the present petition that there is no injury report to support the allegation of



assault by means of *lathi* etc.

*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 neither the caste name alleged to have been taken by the accused persons including the appellants herein has been specified in the FIR nor there appears to be any injury report and moreover, a general and omnibus allegation has been levelled against the appellants herein, 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 Additional District and Sessions Judge 1<sup>st</sup>-cum-Special Judge, Bettiah (West Champaran) in connection with Bettiah Sadar SC/ST PS case no. 16 of 2020, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.



Accordingly, the impugned order dated 17.06.2020 passed by the court of learned 1<sup>st</sup> Additional District & Sessions Judge-cum-Special Judge, Bettiah, West Champaran in connection with Bettiah Sadar SC/ST PS case no. 16 of 2020 is hereby set aside.

The appeal stands allowed.

**(Mohit Kumar Shah, J)**

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