

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1787 of 2020

Arising Out of PS. Case No.-20 Year-2020 Thana- BAGHA District- West Champaran

MOHAMADEEN MIYAN S/o Late Madhusen Miyan Resident of Village-
Deurwa, P.S.-Bhairoganj, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-11-2020 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 appearing for the appellant and Shri Sadanand Paswan, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 06.07.2020 passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge, Bettiah, West Champaran in Anticipatory Bail Petition No. 419 of 2020 arising out of Bhairoganj P.S. Case No. 20 of 2020 registered under Sections 341, 323, 354, 504/34 of the Indian Penal Code and Sections 3(i) (r) (s) (w) (ii) (v-a) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby and whereunder the prayer of the appellant for grant of anticipatory



bail has been refused.

The accused persons including the appellant herein had engaged in scuffle with the informant herein on account of dispute with regard to parking of a cycle belonging to the coaching centre being run by the co-accused person namely Safiq Ahmad, in front of the door of the house of the informant, whereafter the said co-accused person namely Safiq Ahmad had abused the informant by taking his caste name and the accused persons are also stated to have assaulted the informant and had torn her blouse and *saree*.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the appellant has further submitted that there is no allegation of assault against the accused persons, hence neither the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 are attracted nor any case is made out as against the appellant herein.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the fact that there is no allegation of the appellant herein having abused the informant by taking her caste name and moreover, there is no



allegation of any sort of specific overt act as against the appellant herein, I deem it fit and proper to admit the appellant to the privilege of anticipatory bail.

Accordingly, the appellant, above named, is directed to be released on anticipatory bail on furnishing bail in the event of his arrest/surrender before the court below within a period of four weeks from today bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I-cum-Special Judge, Bettiah, West Champaran in connection with Bhairoganj P.S. Case No. 20 of 2020, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 06.07.2020 passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge, Bettiah, West Champaran in Anticipatory Bail Petition No. 419 of 2020 arising out of Bhairoganj P.S. Case No. 20 of 2020, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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