

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3513 of 2019

Arising Out of PS. Case No.-286 Year-2019 Thana- GAYA KOTWALI District- Gaya

MD. WASIM S/o Md. Afak R/o village- Chakand Amraha, P.S.- Chakand,
District- Gaya. Appellant.

Versus

The State of Bihar. Respondent.

Appearance :

For the Appellant/s : Mr. Prithivi Raj Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 28-09-2020 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual court

proceedings.

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 06.07.2019 passed by learned Exclusive
Special Judge SC/ST Act, Gaya in connection with Kotwali P.S.
Case No. 286 of 2019 registered under Sections 342, 370, 370
(a) and 374/34 of the Indian Penal Code, Section 14 (A) of the
Child Labour Act, Section 79 of the Juvenile Justice Act and
Section 3(1) (r) (s) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that four minors



were found working in the eatery of the appellant in the raid by the informant.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. The aforesaid minors were not working in the shop of the appellant rather their father were working in the shop and the shop was closed for considerable time and on reopening of the shop their father sent to them to his shop to take their due wages and in the meantime the raid was conducted and the aforesaid minors were found by the informant in his shop. It is also submitted that the father of Md. Imran and Md. Shakib has stated on affidavit that their sons have not worked anywhere as a child labour. No offence under SC/ST Act is made out against the appellant. Similarly situated appellant, namely, Tilak Raj @ Raj Tilak has been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 29.07.2019 passed in Cr. Appeal (SJ) No.3051 of 2019. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender



before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST Act, Gaya in connection with Kotwali P.S. Case No. 286 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)

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