

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4922 of 2019

Arising Out of PS. Case No.-48 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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1. JAINULLAH KHATOON @ JAINUL KHATOON @ JAINULA KHATOON W/O Wakil Miyan Resident of Village- Gopalpur Agarwa, Ward No. 32, P.S.- Town Motihari, District- East Champaran.
 2. Rehana Khatoon W/O Hussain Miyan @ Rudal Miyan @ Md. Insanul Haque Resident of Village- Gopalpur Agarwa, Ward No. 32, P.S. Town Motihari, District- East Champaran.
 3. Serajul Miyan @ Serajul Mustafa S/O Late- Rahman Miyan Resident of Village- Gopalpur Agarwa, Ward No. 32, P.S. Town Motihari, District- East Champaran.

... .. Appellants.

Versus

The State of Bihar

... .. Respondent.

Appearance :

For the Appellants	:	Mr. Ajay Kumar Singh, Advocate.
For the State	:	Mr. Binay Krishna, A.P.P.
For the Informant	:	Mr. Abhishek Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 06-01-2020

Heard learned counsel for the appellants and the learned Additional Public Prosecutor for the State as also the learned counsel for the informant.

2. This appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Amendment Act, 2015, is directed against the order dated 21.09.2019 passed in A.B.P. No.1871 of 2019 by the 1st Additional Sessions Judge-cum-Special Judge, SC/ST/POCSO Act, West Champaran at Bettiah, dismissing the aforesaid anticipatory bail petition of the



appellants to grant them the privilege of pre-arrest bail in connection with SC/ST (Bettiah) P.S. Case No.48 of 2018 registered under Sections 341, 323, 379 and 504/34 of the Indian Penal Code besides Sections 3(i) (r) (2)(va) SC/ST (POA), Act, 2015.

3. The prosecution case, in brief, is that when the informant was going to Bairiya to purchase the cow boarding on bicycle, in the way, a Bolero vehicle, in which the appellants and one Rudal Miyan alias Hussain Miyan were present, reached near him and stopped him. Thereafter, the appellant no.1 made query to the informant about his name. When the informant disclosed his name to her as Bachcha Babu Ram, then she started to abuse the informant denoting him 'Chamar', saying that he does not give the side to her vehicle. When the informant made protest, then Rudal Miyan alias Hussain Miyan abused him and all started to cause assault him through slaps and Rudal Miyan alias Hussain Miyan took Rs.41,000/- from his pocket forcibly. On the alarm being raised by the informant, nearby people reached there, then the informant was saved.

4. Learned counsel for the appellants submits that, in fact, the appellant no.1 accompanied her married daughter Bibi Sabiran Begam for the treatment of her eye and, thereafter, Bibi Sabiran Begam executed two sale deeds in respect of the land of the appellant no.1 regarding which the appellant no.1, filed Title Suit No.430 of 2017 against her daughter Bibi Sabiran Begam, whose



marriage was performed in the district of West Champaran at Bettiah, due to that reason, Bibi Sabiran Begam lodged East Champaran (Town) P.S. Case No.742 of 2017 against the appellant no.1 and others and she also got managed to lodge the present case against the appellants and one Rudal Miyan alias Hussain Miyan only to put undue pressure upon them so that the appellant no.1 may not proceed in the aforesaid Title Suit filed against her.

5. Having considered the facts and the circumstances of the case, the impugned order is set aside and this appeal is allowed.

6. Let the appellants, above named, in the event of arrest or surrender within six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge-cum-Special Judge, SC/ST/POCSO Act, West Champaran at Bettiah, in connection with SC/ST (Bettiah) P.S. Case No.48 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.01.2020.
Transmission Date	07.01.2020.

