

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.30 of 2020

Arising Out of PS. Case No.-17 Year-2016 Thana- SC/ST District- Lakhisarai

1. MD. SYED ABID HASSAN Son of - Late Md. Ibrahim
2. Md. Zahid Hassan @ Md. Zahid Hussain Son of - Late Md. Ibrahim
3. Syed Rashid Hassan @ Md. Syer Rashid Hassan @ Md. Guddu @ Md. Guddu Hussain @ Guddu Son of Late Md. Ibrahim
All Resident of Village - Amhara, P.S. - Lakhisarai, District - Lakhisarai. At present residing at Mohalla - Habibpur Pipe Road, P.S.- Sahebganj, District - Sahebganj (Jharkhand).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 30-01-2021 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 11.12.2019 by the learned Special Judge (S.C./S.T. Act), Lakhisarai, in A.B.P. No.961 of 2019, arising out of Lakhisarai SC/ST Police Station Case No.17 of 2016, registered under Sections 341/323/504/506/34 of the Indian Penal Code and Sections 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



The complaint based FIR reveals that the appellants abused and assaulted to the complainant by taking caste name. During investigation some witnesses stated before the police that there was some dispute between complainant witness No.4 Sazid Iqbal and the appellants as Sazid being a care taker was selling the land of the appellants in their absence and Sazid Iqbal had set up his domestic help as complainant of this case. The appellants have got no criminal antecedent. The police has not sent up the appellants for trial. However, the Court-below has differed with the police report.

Considering the nature of allegation, background of allegation and the conflicting material brought during the investigation of the case, non-grant of protection to the appellants would amount to abuse of the process of law, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as



condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

The appellants shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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