

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1187 of 2021**

Arising Out of PS. Case No.-36 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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ALAUDDIN MIAN @ ALLAUDDIN KHAN @ MD. ALLAUDDIN Son of
Late Zamalauddin Resident of Village- Suduni, P.S.- Paraiya, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Tabish Sharfuddin
For the Respondent/s : Mr. Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-07-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellant is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The appellant has challenged the order dated
04.09.2020 passed by learned Court of Special Judge, SC/ST
Act, Gaya in ABP No. 136/2020 in connection with Complaint
Case No. 36 of 2018, Trial No. 24/2019 registered for the
offences under sections 323, 354, 504, 406 of the Indian Penal
Code and 3(i)(r)(s) of SC/ST (Prevention of Atrocities) Act
whereby the prayer made on behalf of the appellant for grant of
anticipatory bail has been rejected.



Prosecution allegation, in short, is that the on trivial issue, a scuffle took place in which the accused persons assaulted the informant with fist and slap and also abused her by taking her caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. Due to petty reason, a scuffle has taken place. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 04.09.2020 passed by learned Court of Special Judge, SC/ST Act, Gaya in ABP No. 136/2020 in connection with Complaint Case No. 36 of 2018, Trial No. 24/2019, is set aside.

The appeal stands allowed.

Let the appellant above named, in the event of arrest/surrender before the learned court below below within a



period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Court of Special Judge, SC/ST Act, Gaya in connection with Complaint Case No. 36 of 2018.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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