

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.212 of 2020

Arising Out of PS. Case No.-455 Year-2018 Thana- BAHERA District- Darbhanga

1. MD. JUNAID Son of Md. Shibli Resident of Village - Bahera, P.S.- Bahera, Distt - Darbhanga.
2. Md. Obaid Son of Md. Shibli Resident of Village - Bahera, P.S.- Bahera, Distt - Darbhanga.
3. Sakina Khatoon Wife of Md. Razik Resident of Village - Bahera, P.S.- Bahera, Distt - Darbhanga.
4. Seema Khatoon @ Saeema Khatoon D/o Md. Razik Resident of Village - Bahera, P.S.- Bahera, Distt - Darbhanga.
5. Nazrana Khatoon Wife of Md. Shibli Resident of Village - Bahera, P.S.- Bahera, Distt - Darbhanga.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Sajni Devi Wife of Kuse Ram Resident of Village - Mahinam Patti, P.S.- Bahera, Distt - Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Shahnawaz Ali
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 24-02-2021 Heard both sides.

The appellants filed this appeal under Section 14 (A) (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) against the order dated 23.04.2019 passed by the learned Special Judge, SC/ST Act, Darbhanga in ABP No. 546/2019 by which the learned Special Judge rejected the prayer for anticipatory bail of the appellants and for grant of anticipatory bail in Bahera P.S. case No. 455/2018, registered under Section 341, 323, 504/ 34 of the IPC and u/s 3(I)r, 3(I) (s)



of SC/ ST Act.

The learned counsel for the appellants submits that the informant named the appellants and alleged that they all abused and assaulted the informant by naming her caste. It is submitted that no offence under any Sections of the SC/ST Act is made out. The appellants No. 3, 4 and 5 are ladies. The informant again lodged Bahera P.S. case No. 272/2019 against Md. Shibli and others including appellant No.3, Sakina Khatton. The appellants No. 1 and 2 are sons of Md. Shibli and appellant No.5 is wife of Md. Shibli. It is submitted that on account of some personal grudge as uncle of appellants No. 1 and 2 is driver and he is having illicit relation with the informant that is why the informant filed case after case against the appellants and others.

The learned Special P.P. however opposed the prayer for anticipatory bail and submits that there is allegation that the appellants have abused the informant inside her house and assaulted her by putting her down on the ground and, therefore, the appellants do not deserve anticipatory bail.

Having considered the submissions and on perusal of records, it appears that informant named as many as six persons and alleged that they all in conspiracy with each other came



inside the house of informant with intention to kill and on protest one Shahansah abused the informant and Junaid assaulted the informant but it appears that informant lodged Bahera PS case No. 272/2019 against Md. Shibli, Sahansah and others and made almost same and similar allegation.

Taking into consideration the facts aforesaid, I find that the appellant deserves anticipatory bail. Accordingly, the appellant, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Darbhanga in connection with Bahera P.S. case No.455 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, this appeal is allowed and the impugned order dated 23.04.2019 passed by the learned Special Judge, SC/ST Act, Darbhanga in ABP No. 546/2019 is set aside.

BKS/-

(Prabhat Kumar Jha, J)

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