

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1303 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

1. BIBI AMANA KHATOON, Wife of Md. kalim Alam @ Kalim Resident of village - Tarcha, P.S. Gouradih, District - Bhagalpur.
2. Md. Kalim Alam @ Kalim, Son of Md. Answar Resident of village - Tarcha, P.S. Gouradih, District - Bhagalpur.
3. Md. Ansar Alam @ Ansar Ali, Son of Md. Anwar @ Anwar Ali Resident of village - Tarcha, P.S. Gouradih, District - Bhagalpur.
4. Uvi Alam @ Uvesh, Son of Md. Anwar @ Anwar Ali Resident of village - Tarcha, P.S. Gouradih, District - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjan Kumar Jha

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-07-2021 Heard Mr. Ranjan Kumar Jha, learned Advocate

for the appellants and Ms. Usha Kumar – I, learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

28.11.2020, passed by the learned Additional District

and Sessions Judge cum Special Judge (SC/ST Act),

Bhagalpur, in A.B.P. No. 1675 of 2020, arising out of

Jagdishpur (Goradih) P. S. Case No. 153 of 2020,

dated 14.05.2020, whereby the prayer made on behalf



of the appellants for grant of anticipatory bail for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 447, 504 and 506 of the Indian Penal Code and Section 3 (1) (r) (s) and 3 1(E)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It has been alleged in the F.I.R. that due to the she-goats grazing the field of the other side, an occurrence took place in which the appellants are said to have assaulted the members of the prosecution party. The injuries suffered by the victim are reported to be simple in nature.

The counter version of the case has been lodged prior to the subject F.I.R.

The accusation inviting the mischief of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is highly motivated.

Regard being had to the afore-stated circumstances, the order dated 28.11.2020, passed by



the learned Additional District and Sessions Judge cum
Special Judge (SC/ST Act), Bhagalpur, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to
be released on bail, in the event of their arrest or
surrender before the court below within a period of eight
weeks from the date of receipt / production of a copy of
this order, on their furnishing bail bonds in the sum of
Rs. 10,000 /- (Ten Thousand) each with two sureties of
the like amount each to the satisfaction of the learned
Additional District and Sessions Judge cum Special Judge
(SC/ST Act), Bhagalpur, in connection with Jagdishpur
(Goradih) P. S. Case No. 153 of 2020, subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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