

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.561 of 2020**

Arising Out of PS. Case No.-39 Year-2019 Thana- SC/ST District- Kaimur (Bhabua)

1. SAKIR ALI Son of Abbas Hajam
2. Nasir Ali @ Nasir Alam Son of Abbas Hajam
3. Abbas Hajam Son of Late Kurban Hajam
4. Najama Bibi Wife of Abbas Hajam
All resident of Village - Kabar, P.S.- Bhabua, District- Kaimur at Bhabua

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Kant Pandey, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-03-2021 Heard both sides.

The appellants filed this appeal under Section 14(A) (2) of the S.C./S.T. Act against the order dated 16.01.2020 passed by learned Additional Sessions Judge I-cum-Special Judge, S.C./S.T.(POA) Act, Kaimur at Bhabua by which the anticipatory bail of the appellants has been rejected in S.C./S.T. Bhabua P.S. Case No.39 of 2019 registered under Sections 341, 323, 504 and 506 of the Indian Penal Code and under Section 3(1)(V)(s)/3(2)(Va) of the S.C./S.T. Act.

The informant made allegation that while the appellants were blowing instruments, the daughter of the informant objected and asked the appellants not to blow flimsy



songs on such, the appellants are alleged to have abused the informant and her daughter.

The learned counsel for the appellants submits that no specific allegation is made against the appellants. Some altercation took place due to blockage of passage as both the informant and the appellants are next door neighbours and for that altercation, the informant taking advantage of her being member of the Schedule Caste filed the case. The informant did not make specific allegation as to who abused by naming her caste.

Learned Spl.P.P. however opposed the prayer for anticipatory bail and submits that there is allegation that the appellants abused the informant by naming her caste after being forbidden not to blow the flimsy songs.

Having considered the submissions and on perusal of the record, it appears that the appellants are neighbours of the informant and there appears that no specific allegation is made against any of the appellant about abusing the informant. Thus, I find that the appellants deserve anticipatory bail. Accordingly, the order dated 16.01.2020 is set aside. The appeal is allowed and let the appellants, above named, in the event of their arrest or surrender within a period of four weeks be released on bail on



furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I-cum-Special Judge, S.C./S.T.(POA) Act, Kaimur at Bhabua in connection with S.C./S.T. Bhabua P.S. Case No.39 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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