

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1743 of 2021**

Arising Out of PS. Case No.-683 Year-2018 Thana- MUFFASIL District- West Champaran

1. ANISHUL MEYA @ ANISHUL HAQE, S/O ABDUL RAJJAK ANSARI WARD NO. 06 BISHAMBHARUR, P.S. BETTIAH MUFASSIL, DISTRICT- WEST CHAMPARAN
2. SHAFIULLAH MEYA @ SHAFIULLAH AHMAD, S/O ANISUL HAQUE ANSARI WARD NO. 05, BISAMBHARPUR, P.S.-BETTIAH MUFASSIL, DISTRICT-WEST CHAMPARAN.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sudhir Kumar Tiwary
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-09-2021 Heard Mr. Sudhir Kumar Tiwary, learned Advocate for the appellants and Mr. Binay Krishna, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 17.02.2020, passed by the learned 1st Additional District and Sessions Judge cum Special Judge, SC/ST/POCSO Act, Bettiah, West Champaran, in A.B.P. No. 132 of 2020, arising out of Bettiah Muffassil P. S. Case No. 683 of 2018, dated 16.12.2018, whereby the prayer made on behalf of the appellants for grant of



anticipatory bail for the offences punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(R)(w)(ii)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation against the appellants is of having abused the informant and other members of the prosecution party.

The learned counsel for the appellants has submitted that the case was filed in some confusion. Shortly after the investigation was taken up, the informant approached the Investigating Agency and made it known that he is not interested in prosecuting the appellants any further. However, charge-sheet has been submitted against the appellants whereupon cognizance has been taken by the Special Court.

The learned counsel for the appellants has submitted that from the averments made in the F.I.R. itself, it would appear that no offence under the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out.

The allegations are severely exaggerated and reflect a dispute between the parties over a petty issue.

Considering the afore-noted arguments, the order dated 17.02.2020, passed by the learned 1st Additional District and Sessions Judge cum Special Judge, SC/ST/POCSO Act, Bettiah, West Champaran, 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 1st Additional District and Sessions Judge cum Special



Judge, SC/ST/POCSO Act, Bettiah, West Champaran, in connection with Bettiah Muffassil P. S. Case No. 683 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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