

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.798 of 2020

Arising Out of PS. Case No.-612 Year-2019 Thana- BAGHA District- West Champaran

1. RAJA MIAN @ MOHAMMAD SHAHJAD ALAM Son of Serajul Mean Resident of Village - Hanuman Garhi, Bagaha, P.S. - Bagaha, District - West Champaran.
2. Sheru Mian @ Mohammad Shahreyar Alam Son of Serajul Mean Resident of Village - Hanuman Garhi, Bagaha, P.S. - Bagaha, District - West Champaran.
3. Shahanshah Mian @ Mohammad Chand Alam Son of Serajul Mean Resident of Village - Hanuman Garhi, Bagaha, P.S. - Bagaha, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kr Singh No. 1
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-01-2021 Heard the parties through virtual mode.

The matter relates to grant of anticipatory bail to the appellants in connection with S.C. & S.T. P.S. Case No. 612 of 2019 registered for the offences under Sections 341, 323, 324, 307, 325, 504/34 of the Indian Penal Code and 3(i)(x) of the SC/ST Act.

The prosecution case, in brief, is that due to trivial issue, the accused persons assaulted grandson of the informant and also abused him by taking caste name.

It has been submitted on behalf of the appellants that



the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. General and omnibus allegation has been made against the appellants. There is a case and counter case between the parties. The injury on the side of the accused persons have not been explained by the prosecution. The nature of injury is said to be simple. No occurrence is said to have 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 appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 22.01.2020 passed by learned 1st Additional Sessions Judge -cum- Special Judge, (S.C. & S.T./POCSO), Bettiah, West Champaran in A.B.P. No. 2861/2019 arising out of Bagaha S.C. & S.T. P.S. Case No. 612/2019, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each



with two sureties of the like amount each to the satisfaction of
learned 1st Additional Sessions Judge -cum- Special Judge, (S.C.
& S.T./POCSO), Bettiah, West Champaran in A.B.P. No.
2861/2019 arising out of Bagaha S.C. & S.T. P.S. Case No.
612/2019.

(Sudhir Singh, J)

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