

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1688 of 2020**

Arising Out of PS. Case No.-1 Year-2020 Thana- SC/ST District- Samastipur

1. MOHAMMAD AQUIB @ AQUIB AZAM
2. Mohammad Saquib @ Md. Saquib Azam both Sons of Mohammad Shoaib Azam @ Md. Shoaib
3. Mohammad Nasim Bari Son of Late Sekh Jainuddin
4. Mohammad Saheb @ Md. Nasruddin Bari @ Md. Nasruddin Bari (Sahib) Son of Mohammad Nasim Bari, aged about 19 years as per the F.I.R. but the real date of birth of the appellant no. 4 is 17 year, i.e. 25.01.2003 (as per Central Board of Secondary Education Class IX) all Residents of Village- Satmalpur, P.S.- Waris Nagar, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shekhar Kumar Singh, Adv.

For the Respondent/s :

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 15-01-2021 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 06.03.2020 passed by learned 1st Additional Sessions Judge, Samastipur in connection with SC/ST P.S. Case No. 01 of 2020 registered under Sections 341, 323, 379, 504, 506, 34 of the Indian Penal Code and Sections 3 (i) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention



of Atrocities) Act.

Prosecution case is that while the informant was opening the brick kiln in the meantime, all the named accused persons along with 3-4 unknown miscreants started abusing the informant taking the caste name. It is also alleged in the FIR that all the accused persons armed with deadly weapons assaulted the informant and snatched away the golden chain worth Rs. 15,000/- from his neck.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that there is pure civil dispute but the informant being the employee of brick kiln owner lodged this case on account of land dispute, so far the appellants are the valid land owner of the said land and appellant nos. 1 and 2 are nephew of appellant no. 3 and appellant no. 4 is the son of appellant no. 3. He further submits that during investigation, no one has supported the prosecution story.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants in the event of their arrest or surrender



before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Samastipur in connection with SC/ST P.S. Case No. 01 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

