

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1690 of 2020**

Arising Out of PS. Case No.-64 Year-2020 Thana- KHAIRA District- Saran

1. AKBAR MIYAN S/o Saifuddin Miyan
2. Saifuddin Miyan S/o Late Ohid Miyan
3. Alamgir Hussain @ Aalamgir Miyan S/o Munna Miyan
4. Arman Miyan S/o Sakil Miyan all R/o Village- Hardi Chapra, P.S.- Khaira, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anant Kumar Bhaskar, 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 02.06.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge-SC/ST, Saran at Chapra in connection with Khaira P.S. Case No. 64 of 2020 registered under Sections 341, 323, 504, 506, 354, 376, 511/34 of the Indian Penal Code and Sections 3 (ii) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case as lodged by the informant is that on



28.02.2020, a Tilak ceremony was going on in a neighboring house in which her daughter had gone and when her daughter after taking breakfast went at a hand-pump for drinking water, Akbar Miyan and others, who were in ambush, jointly close the mouth and with intention to rape her started taking away. Her daughter started crying then they started assaulting her and torn her cloth. On alarm, people of the ceremony assembled there and caught Akbar Miyan. Thereafter, all the family members of Akbar Miyan came there and started assaulting the husband of the informant, giving threatening to kill and they fled away from there using caste name.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that earlier to the Khaira P.S. Case No. 64 of 2020, appellants have lodged Khaira P.S. Case No. 63 of 2020 against the husband of the informant and other and it is explained in Khaira P.S. Case No. 63 of 2020 that although occurrence is of 28.02.2020 as Akbar Miyan was under treatment at PHC Nagara he came on 29.02.2020 for lodging the FIR. But it has not been explained in Khaira P.S. case No. 64 of 2020 as to why FIR was not lodged on the day of occurrence. In Khaira P.S. Case No. 63 of 2020 Akbar Miyan had received



injury by sword on his head. He submits that there is no allegation of any specific overt act against the appellants. He further submits that appellants bear no criminal antecedent as stated in para-3 of this petition.

Learned Spl. PP for the State opposed the prayer for bail and submits that there is specific allegation against the appellants.

Considering the facts and circumstances of the case, I am not inclined to enlarge the appellants on anticipatory bail. Accordingly, their payer for anticipatory bail is rejected in connection with Khaira P.S. Case No. 64 of 2020 pending before the court of the learned 1st Additional Sessions Judge-cum-Special Judge-SC/ST, Saran at Chapra.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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